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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1994

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 21, 1993	Dec. 28, 1993	1	Jan. 7, 1994	June 28, 1994	July 5, 1994	28	July 15, 1994
Dec. 28, 1993	Jan. 4, 1994	2	Jan. 14, 1994	July 5, 1994	July 12, 1994	29	July 22, 1994
Jan. 4, 1994	Jan. 11, 1994	3	Jan. 21, 1994	July 12, 1994	July 19, 1994	30	July 29, 1994
Jan. 11, 1994	Jan. 18, 1994	4	Jan. 28, 1994	July 19, 1994	July 26, 1994	31	Aug. 5, 1994
Jan. 18, 1994	Jan. 25, 1994	5	Feb. 4, 1994	July 26, 1994	Aug. 2, 1994	32	Aug. 12, 1994
Jan. 25, 1994	Feb. 1, 1994	6 (Mon.)	Feb. 14, 1994	Aug. 2, 1994	Aug. 9, 1994	33	Aug. 19, 1994
Feb. 1, 1994	Feb. 8, 1994	7	Feb. 18, 1994	Aug. 9, 1994	Aug. 16, 1994	34	Aug. 26, 1994
Feb. 8, 1994	Feb. 15, 1994	8	Feb. 25, 1994	Aug. 16, 1994	Aug. 23, 1994	35	Sept. 2, 1994
Feb. 15, 1994	Feb. 22, 1994	9	Mar. 4, 1994	Aug. 23, 1994	Aug. 30, 1994	36	Sept. 9, 1994
Feb. 22, 1994	Mar. 1, 1994	10	Mar. 11, 1994	Aug. 30, 1994	Sept. 6, 1994	37	Sept. 16, 1994
Mar. 1, 1994	Mar. 8, 1994	11	Mar. 18, 1994	Sept. 6, 1994	Sept. 13, 1994	38	Sept. 23, 1994
Mar. 8, 1994	Mar. 15, 1994	12	Mar. 25, 1994	Sept. 13, 1994	Sept. 20, 1994	39	Sept. 30, 1994
Mar. 15, 1994	Mar. 22, 1994	13	Apr. 1, 1994	Sept. 20, 1994	Sept. 27, 1994	40	Oct. 7, 1994
Mar. 22, 1994	Mar. 29, 1994	14	Apr. 8, 1994	Sept. 27, 1994	Oct. 4, 1994	41	Oct. 14, 1994
Mar. 29, 1994	Apr. 5, 1994	15	Apr. 15, 1994	Oct. 4, 1994	Oct. 11, 1994	42	Oct. 21, 1994
Apr. 5, 1994	Apr. 12, 1994	16	Apr. 22, 1994	Oct. 11, 1994	Oct. 18, 1994	43	Oct. 28, 1994
Apr. 12, 1994	Apr. 19, 1994	17	Apr. 29, 1994	Oct. 18, 1994	Oct. 25, 1994	44	Nov. 4, 1994
Apr. 19, 1994	Apr. 26, 1994	18	May 6, 1994	Oct. 25, 1994	Nov. 1, 1994	45	Nov. 14, 1994 (Mon.)
Apr. 26, 1994	May 3, 1994	19	May 13, 1994	Nov. 1, 1994	Nov. 7, 1994 (Mon.)	46	Nov. 18, 1994
May 3, 1994	May 10, 1994	20	May 20, 1994	Nov. 7, 1994	Nov. 15, 1994	47	Nov. 28, 1994 (Mon.)
May 10, 1994	May 17, 1994	21	May 27, 1994	Nov. 15, 1994	Nov. 22, 1994	48	Dec. 2, 1994
May 17, 1994	May 24, 1994	22	June 3, 1994	Nov. 22, 1994	Nov. 29, 1994	49	Dec. 9, 1994
May 24, 1994	May 31, 1994	23	June 10, 1994	Nov. 29, 1994	Dec. 6, 1994	50	Dec. 16, 1994
May 31, 1994	June 7, 1994	24	June 17, 1994	Dec. 6, 1994	Dec. 13, 1994	51	Dec. 23, 1994
June 7, 1994	June 14, 1994	25	June 24, 1994	Dec. 13, 1994	Dec. 20, 1994	52	Dec. 30, 1994
June 14, 1994	June 21, 1994	26	July 1, 1994	Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995
June 21, 1994	June 28, 1994	27	July 8, 1994	Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Merit and Fitness

2) Code Citation: 80 Ill. Adm. Code 302

3) Section number: Proposed Action:

302.570

Amendment

4) Statutory Authority: Implementing and authorized by the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b108a.2 [20 ILCS 415/8a.2]; Ill. Rev. Stat. 1991, ch. 127, par. 63b108b.13 [20 ILCS 415/8b.13]; Ill. Rev. Stat. 1991, ch. 127, par. 63b108b.19 [20 ILCS 415/8b.19])

5) A Complete Description of the Subjects and Issues Involved: On August 5, 1994, proposed amendments to 80 Ill. Adm. Code 310 appeared in the Illinois Register. These amendments will provide a salary structure and salary provisions for a new classification of Public Service Administrator. The proposed revisions to Section 302.570 are necessary to set forth the reemployment procedures to be followed for certified employees who have been laid off from either the Public Service Administrator or the Senior Public Service Administrator classifications.

6) Will this proposed amendment replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669

12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 302

MERIT AND FITNESS

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Section	
302.10	Examinations
302.20	Time, Place, Conduct, Cancellation, Postponement and Suspension of Examinations
302.30	Veterans Preference
302.40	Announcement of Examination
302.52	Notice to Eligibles
302.55	Grading Examinations
302.60	Retaking or Regarding Examinations
302.70	Application and Eligibility

SUBPART B: APPOINTMENT AND SELECTION

Section	
302.80	Eligible Lists
302.90	Appointments
302.91	Alternative Employment
302.100	Geographic Preference
302.105	Pre-Employment Screening
302.110	Appointment From Eligible List
302.120	Responsibilities of Eligibles
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302.150	Appointment and Status
302.160	Extension of Jurisdiction B

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302.170	Programs
302.175	Appointments
302.180	Limitations on Trainee Appointments

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Section	
302.190	Definitions
302.200	Interruptions In Continuous Service
302.210	Deductions From Continuous Service

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

302.215 Leave of Absence for Educational Purposes
 302.220 Veterans Continuous Service
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 302.240 Accrual and Retention of Continuous Service During Certain Leaves
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 302.310 Certified Status
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 302.330 Eligibility for Promotion
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SUBPART H: EMPLOYEE TRANSFERS

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 302.425 Merit System Transfer
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 302.450 Limitations on Transfers
 302.460 Employee Records

SUBPART I: DEMOTION

Section
 302.470 Demotion
 302.480 Notice to Employee

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

302.490 Employee Obligations
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 302.500 Voluntary Reduction of Certified and Probationary Employees
 302.505 Limitations in Voluntary Reduction
 302.507 Definition of Layoff
 302.510 Temporary Layoff
 302.512 Use of Accrued Benefits During Temporary Layoff
 302.514 Notice of Temporary Layoff
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 302.519 Deferral of Wages
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 302.800 Definition of Terms
 302.810 Positions Subject to Term Appointments
 302.820 Appointment
 302.821 Effect of Loss of Federal Funding on Employees Excluded from Term Appointments by Reason of Being Federally Funded (Repealed)
 302.822 Appointees Under Term Appointments
 302.823 No Promotion to Positions Covered by Term Appointments (Repealed)
 302.824 No Reallocation to Term Positions
 302.825 Reemployment Rights to Term Appointment
 302.830 Expiration of Term Appointment
 302.840 Renewal Procedures
 302.841 Renewal Procedures for Incumbents on the Effective Date of Section 8b18 of the Personnel Code (Repealed)
 302.842 Effective Date of Reappointment or Termination (Repealed)
 302.846 Change in Position Factors Affecting Term Appointment Exclusion
 302.850 Reconsideration Request
 302.860 Renewal Procedure for Incumbents Subject to Public Act 83-1369
 302.863 Renewal of Certified or Probationary Incumbents in Exempted Positions

AUTHORITY: Implementing and authorized by the Personnel Code (Ill. Rev. Stat. 1991, ch. 127, par. 63b101 et seq.) [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 2 Ill. Reg. 33, p. 24, effective September 1, 1978; amended at 3 Ill. Reg. 1, p. 63, effective January 1, 1979; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 1, p. 76, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 67, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; amended at 7 Ill. Reg. 654, effective January 5, 1983; codified at 7 Ill. Reg. 13198; amended at 8 Ill. Reg. 7788, effective May 23, 1984; emergency amendment at 9 Ill. Reg. 241, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 7907, effective May 15, 1985; amended at 10 Ill. Reg. 13940, effective September 1, 1986; amended at 12 Ill. Reg. 5634, effective March 15, 1988; emergency amendments at 12 Ill. Reg. 16214, effective September 23, 1988, for a maximum of 150 days; emergency

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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expired February 20, 1989; amended at 13 Ill. Reg. 3722, effective March 13, 1989; amended at 13 Ill. Reg. 10820, effective June 23, 1989; amended at 13 Ill. Reg. 12970, effective August 1, 1989; amended at 15 Ill. Reg. 17974, effective November 27, 1991; amended at 16 Ill. Reg. 8375, effective May 21, 1992; emergency amendment at 16 Ill. Reg. 11645, effective July 6, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13489, effective August 19, 1992; amended at 16 Ill. Reg. 17607, effective November 6, 1992; amended at 17 Ill. Reg. 3169, effective March 1, 1993; amended at 18 Ill. Reg. 1892, effective January 25, 1994; amended at 18 Ill. Reg. _____, effective _____.

Section 302.570 Reemployment Lists

- a) The Department shall establish and maintain a reemployment list, by class and agency and county, or other designated geographical area approved by the Director before layoff. A certified employee, except an employee those who are in the Senior Public Service Administrator or the Public Service Administrator classes who are covered by (b) below, who has been indeterminately laid off shall be placed in order of length of continuous service as defined in Section 302.190 on a reemployment list for recall to the first available assignment to a position in the class (or related classes with substantially similar requirements and duties) and agency, and county, or other designated geographical location or area in which the employee was assigned prior to being placed on the reemployment list. Where circumstances warrant, at the discretion of the Director, such reemployment list may be established by related classes whose duties are substantially similar to the class from which the employee was laid off.
- b) Certified employees who have been indeterminately laid off from the Senior Public Service Administrator or the Public Administrator classification will be placed on the appropriate reemployment list for the Senior Public Service Administrator or the Public Service Administrator based on the classification and option designation for the position from which the employee was laid off. The employee shall be placed in order of length of continuous service as defined in Section 302.190 on a reemployment list for recall to the first available assignment to a position in the class and option, and agency, and county or other designated geographical location or area in which the employee was assigned prior to being placed on the reemployment list.
- c) An agency will not be required to consider any employee who does not have the necessary qualifications for reemployment to a particular Senior Public Service Administrator or Public Service Administrator position, or who was not at the same or higher organizational level as the position being filled. If an agency makes such a determination, this must be documented and submitted to the Department of Central Management Services.
- d) An employee whose name has been placed on the reemployment list will

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

also be eligible for reinstatement in accordance with Section 302.610.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Claim Eligible to be Offset

2) Code Citation: 74 Ill. Adm. Code 285

3) Section Numbers: Proposed Action:

285.1100	Amended
285.1101	Amended
285.1102	Amended
285.1103	Amended
285.1104	Amended
285.1105	Amended
285.1106	Amended
285.1107	Amended
285.1108	Amended
285.1109	Amended
285.1110	New Section

4) Statutory Authority: Authorized by Section 21 of the State Comptroller Act [15 ILCS 405/21].

5) A Complete Description of the Subjects and Issues Involved:

These rules provide details of the process of offsetting payments made by the State of Illinois to third parties indebted to the State of Illinois. The proposed amendments outline the mandatory referral of all debts in excess of \$1,000 and over one (1) year old and exceptions to the mandatory referral, implement gender neutral language, clarify that one State agency may not offset another State agency, impose a 90 day deadline for State agencies to respond to the Comptroller's request for documentation of the debt, provide notification procedures to be used by the Comptroller, and provide for a transition period for the resolution of all protests currently on file with the Comptroller.

6) Will these proposed amendments replace any emergency amendment currently in effect? No.

7) Do these rulemakings contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporation by reference? No.

9) Are there any other proposed amendment pending on this part? No.

10) Statement of Statewide Policy Objectives:

These rules will not create or enlarge a State mandate.

11) Time, Place and Manner in which interested persons may comment on these proposed rulemakings:

Written comments may be submitted within 45 days of the publication of this notice to:

COMPTROLLER

COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

Kim L. Kirn
Assistant Legal Counsel
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TITLE 74: PUBLIC FINANCE
CHAPTER II: COMPTROLLER

PART 285

CLAIM ELIGIBLE TO BE OFFSET

12) Initial Regulatory Flexibility Analysis:

- A) Date rules were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: _____, 19____.
- B) Types of small businesses affected: This change in the Office of Comptroller rules on offset set forth in this Part will not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: Small businesses will not be required to undertake any reporting or bookkeeping activities pursuant to this Part.
- D) Types of professional skills necessary for compliance: No professional skills are required of small businesses pursuant to this Part.

The full text of the Proposed Amendments begins on the next page:

Section

285.1100

Foreword

Definitions

285.1101 Request for Processing a Claim Under Section 10.05 of the Act

285.1102 Warrants Subject to Deduction

285.1103 Processing a Claim Under Section 10.05

285.1104 Wage Deductions

285.1105 Ascertaining the Amount Due and Payable to the State

285.1106 Notification of the Comptroller's Exercise of Section 10.05

285.1107 Record Retention

285.1108 Accounting for Recovery

285.1109 Transition Period

285.1110

AUTHORITY: Implementing Section 10.05 and authorized by Section 21 of the State Comptroller Act [15 ILCS 405/10.05 and 21]. Also implementing Section 5 of the Illinois State Collection Act of 1986 [30 ILCS 210/5].

SOURCE: Adopted at 5 Ill. Reg. 423, effective December 30, 1980; codified at 5 Ill. Reg. 10598; amended at 8 Ill. Reg. 2451, effective February 9, 1984; amended at 10 Ill. Reg. 10538, effective June 3, 1986; amended at 11 Ill. Reg. 11996, effective July 7, 1987; amended at 11 Ill. Reg. 18630, effective October 29, 1987; amended at 15 Ill. Reg. 5070, effective March 21, 1991; amended at 18 Ill. Reg. _____, effective _____.

Section 285.1100 Foreword

This Part is adopted for ~~For~~ the purpose of establishing procedures for making offsets of claims eligible to be offset from warrants to be issued to persons entitled to them, in accordance with Section 10.05 of the State Comptroller Act (~~11-Rev-Stat-1985-chr-15-par-210-05~~) [15 ILCS 405/10.05]; and the Illinois State Collection Act of 1986 [30 ILCS 210]. ~~this~~ This Part is promulgated pursuant to the authority contained in Section 21 of the State Comptroller Act (~~11-Rev-Stat-1985-chr-15-par-210~~) [15 ILCS 405/21].

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 285.1101 Definitions

As used in this Part unless the context indicates otherwise, the following terms shall have the meanings specified:

"Account or claim eligible to be offset", means an amount owed to the

COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

State or to any of its agencies or instrumentalities or other amount authorized by statute to be collected through offset which represents: an outstanding liability of a person to a fund in the State Treasury or other fund held by the State Treasurer, an outstanding liability of a person to a fund not held by the State Treasurer, where such amount exceeds \$50, past due child support owed by a person as a result of support action being taken by the Department of Public Aid under Article X of the Illinois Public Aid Code ~~§ 10-1-et-seq~~ § 10-1-et-seq ~~§ 305 ILCS 5/Art. XI~~, whether or not such support is owed to the State, delinquent or defaulted amounts due and owing from a borrower, whether or not due and owing to the State, on any loan guaranteed by the Illinois State Scholarship Commission under the Higher Education Student Assistance Law ~~§ 10-1-et-seq~~ § 10-1-et-seq ~~§ 305 ILCS 5/30-15~~ or on any "eligible loan" as that term is defined under the Educational Loan Purchase Program Law ~~§ 10-1-et-seq~~ § 10-1-et-seq ~~§ 305 ILCS 5/15-14~~, or any amounts recoverable under Section 30-15.14 of the School Code ~~§ 10-1-et-seq~~ § 10-1-et-seq ~~§ 305 ILCS 5/30-15.14~~, whether or not any amounts so recoverable are due and owing to the State, in a civil action from a person who received a scholarship, grant, monetary award or guaranteed loan.

"Act", means the "State Comptroller Act" ~~§ 15 ILCS 405/1 et seq.~~ § 15-1-et-seq § 15 ILCS 405/1 et seq.

"Comptroller", means the Comptroller of the State of Illinois or any employee of the Office of the Comptroller authorized by the Comptroller, directly or indirectly by one or more delegations of authority, to perform the functions and duties required by the Act or this Part.

"Disposable earnings", means that part of the earnings of an individual remaining after deduction of any amounts required by law to be withheld (e. g. Federal and State income tax withholding; Social Security (F.I.C.A.) withholding; pension/retirement withholding).

"Net amount of the warrant", means that amount of money, which a State agency has authorized the Comptroller to order the payment of, remaining after all involuntary and voluntary deductions are made and deferred compensation is deducted.

"Offset", means a contrary claim or demand by which a given person's claim to a warrant of the State Comptroller may be lessened or cancelled.

"Person", means any individual, corporation, company, association,

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NOTICE OF PROPOSED AMENDMENTS

firm, partnership, society, joint stock company, unit of local government or any other organization.

"Person subject to the offset", means the payee of any warrant from which the Comptroller has offset an account or claim eligible to be offset.

"Received a voucher", means that point in time when the Comptroller has physically received the voucher in-house and has date-stamped the voucher.

"Section 10.05 of the Act", means Section 10.05 of the State Comptroller Act ~~§ 10.05 of the Act~~ § 10.05 of the Act ~~§ 15 ILCS 405/10.05~~.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 285.1102 Request for Processing a Claim Under Section 10.05 of the Act

a) All debts that exceed \$1,000 and are more than one (1) year past due shall be placed in the Comptroller's Offset System except:

1) if the State agency to which the debt is owed has entered into a deferred payment plan or other settlement agreement with the debtor; or

2) if the State agency to which the debt is owed demonstrates to the Comptroller's satisfaction that use of the Comptroller's Offset System is not cost effective. Such demonstration shall be based on efficiency to the State and maximizing the portion of the debt that will be recovered by the State.

a+b) The Comptroller will not process a claim under Section 10.05 of the Act until he the Comptroller has received notification from the State agency that the debt has been established through notice and opportunity to be heard.

b+c) For purposes of Section 10.05 of the Act and this Part promulgated pursuant thereto, "notification" of an account or claim eligible to be offset shall be deemed to occur when the State agency in favor of which the account or claim has arisen has submitted to the Comptroller, the following information:

- 1) the name--address and Social Security Number or Federal Employer's Identification Number of the person against whom the claim exists;
- 2) the amount of the claim then due and payable to the state;
- 3) the reason why there is an amount due to the State (i.e., income tax liability, overpayment, etc.);
- 4) the time period to which the claim is attributable;
- 5) the fund to which the debt is owed;
- 6) a description of the type of notification given to the person against whom the claim exists and the type of opportunity to be

COMPTROLLER

NOTICE OF PROPOSED AMENDMENTS

heard afforded such person;

- 7) a statement as to the outcome of any hearings or other proceedings held to establish the debt, or a statement that no hearing was requested; and

- 8) the date of final determination of the debt.

~~ed)~~ Such statement shall be executed by the person or persons who are authorized to issue, certify and approve vouchers for the agency under Sections 10 and 11 of "AN ACT in relation to the State Finance Act," ~~111--Rev--Stat--1909--ch--127--par--146--and--147~~ [30 ILCS 105/10 and 111--Rev--Stat--1909--ch--127--par--146--and--147]. The above specified vouchering authority may delegate to a responsible person or persons the authority to execute the statement of the claim required by this Section. This delegation of authority shall be made on forms provided by the Comptroller and shall contain a signature sample of the person(s) to whom the delegation is made.

~~del)~~ A State agency which has submitted a claim for offset must notify the Comptroller as soon as is possible, but in no case later than 30 days, after receiving notice of a change in the status of an offset claim. A change in status may occur due to circumstances such as payments received other than through a successful offset, the filing of a bankruptcy petition, or the death of the debtor.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 285.1103 Warrants Subject to Deduction

~~a)~~ ~~Where--permitted--by--law~~ Except where prohibited by federal statute, federal regulation or State statute the Comptroller ~~may~~ shall deduct the amount ~~he~~ the Comptroller ascertains is due from any warrant payable to any person against whom there exists an account or claim eligible to be offset.

~~b)~~ This amount due may be deducted from any warrant, whether or not the warrant originates from the same agency under which the account or claim eligible to be offset arose, ~~except that the Comptroller shall not deduct from funds held by the State Treasurer under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (111--Rev--Stat--1909--ch--67--1/2--par--401--et--seq--)~~ [320 ILCS 25].

~~c)~~ If, however, the account or claim eligible to be offset arises from a payroll transaction or other regular payment, which is likely to be followed regularly by similar transactions, the Comptroller may deduct the account or claim eligible to be offset from the next regular transaction involving the agency under which the account or claim arose.

~~d)~~ A settlement payment by the State or any of its agencies to release any pending or potential claim against the State is eligible to be offset.

~~e)~~ A warrant, payment or transfer in favor of the State of Illinois, or to any officer, board, commission and agency created by the

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Constitution, whether in the executive, legislative or judicial branch, but other than the circuit court; any officer, department, board, commission, agency, of the State government which is created by or pursuant to statute, other than any unit of local government and their officers, school districts and boards of election commissioners; any administrative unit and corporate outgrowth of the above and as may be created by executive order of the Governor is not eligible to be offset.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 285.1104 Processing a Claim Under Section 10.05

The following provisions shall govern the processing of a claim under Section 10.05 of the Act:

a) Before making an offset, the Comptroller shall review the information provided by the agency notifying him the Comptroller of a claim and shall ascertain therefrom the amount due and payable.

~~b)~~ ~~The--Comptroller--shall--make--all--offsets--against--the--amount--of--a--person's--disposable--earnings--~~

~~c)~~ ~~b)~~ The Comptroller shall charge the agency which submits a voucher, against which voucher an offset claim is applied, for the full amount of the voucher submitted. The Comptroller shall draw a warrant on the treasury or on other funds held by the State Treasurer in the amount of the claim eligible to be offset and deposit that warrant into the State Offset Claims Fund. The State Offset Claims Fund shall be a trust fund established and administered by the Comptroller for the deposit of monies deducted from a person's warrant pursuant to an offset and the subsequent payment of monies back to either the State agency requesting the offset or the original payee. If after thirty days have elapsed from the date the Comptroller gives notice of the offset as prescribed in Section 285.1106(a), no protest is made by the person subject to the offset, the Comptroller shall issue a warrant on the State Offset Claims Fund for the amount of that deposit to the agency entitled thereto. If a protest which conforms to the requirements of Section 285.1106(b) is made, the Comptroller shall not issue such warrant to the State agency on the State Offset Claims Fund until ~~he~~ the Comptroller ascertains the amount due and payable as provided in Section 285.1106(c).

~~d)~~ ~~c)~~ If the Comptroller receives a proper request for a claim after he has drawn a warrant(s), ~~he~~ the Comptroller shall, where feasible, reprocess the warrant in order that ~~he~~ ~~may~~ ~~apply~~ the offset ~~against--it~~ may be taken, as provided for in this Section.

~~e)~~ ~~d)~~ If the amount of the claim eligible to be offset is less than the amount to which the person is entitled, the Comptroller shall draw a warrant for the balance of the amount of the voucher against which the Comptroller has made the offset and shall issue that warrant to the person subject to the offset.

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(e) In cases where offsets are to be made against an employee's wages, no more than 25% of the employee's disposable earnings may be subject to offset. ~~Emp-aw~~ Final compensation payments paid to a person when the person leaves the employ of a State agency for accrued vacation, sick leave or overtime are exempt from the 25% limitation. State agencies may submit claims for offset for the entire amount owed to the State agency and the Comptroller's Offset System will compute the required 25% available for offset. In the event that the calculation of 25% of the employee's disposable earnings exceeds the net amount of the warrant (i.e., the employee's take-home pay), that employee's payroll voucher will be returned to the submitting agency. A payroll reversal will be processed and the employee's voluntary deductions must be cancelled or reduced so that the employee's take-home pay will be sufficient to satisfy the amount calculated as available for offset. Agencies should contact their employees to determine which of the voluntary deductions are to be cancelled or reduced.

f) The limitations set forth in subsection (e) above apply to:

- 1) wage or salary payments; and
- 2) regular and continuing contractual payments made to an individual for personal services paid on a contractual payroll.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 285.1105 Wage Deductions

Section 10.05 claims have priority over all wage deduction summonses. If the amount of money represented by the voucher against which the Comptroller is making an offset under Rule 1104 (74 Ill. Adm. Code Section 285.1104) is subject to a wage deduction and is insufficient to satisfy the amount required to be offset, the Comptroller shall make an offset against any amounts that were deducted from that warrant and placed in the Garnishment Trust Fund.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 285.1106 Ascertain the Amount Due and Payable to the State

a) Upon processing a Section 10.05 claim, the Comptroller shall, as soon as is practicable, give notice in writing to the person subject to the offset which notice:

- 1) shall state that a request has been made pursuant to Section 10.05 of the State Comptroller Act to make an offset against any warrant on funds held by the State Treasurer which is now or which may become payable to that person;
- 2) shall identify the State agency submitting the offset request and the reason for such request; and
- 3) shall inform the person that, if he or she does not owe any or all of the amount claimed to be due and payable to the State, the

person may, within 30 days of the Comptroller's giving notice, make a written protest as prescribed in subsection (b) of this section. The notice to the person subject to the offset required by this subsection shall be deemed to have been given if such notice is enclosed in an envelope plainly addressed to such person, United States postage fully prepaid, and deposited in the United States mail.

b) Persons wishing to make a protest to the Section 10.05 offset shall, within 30 days of the Comptroller's giving notice as prescribed in subsection (a), notify the Comptroller in writing of:

- 1) the reasons for contesting the claim of the State;
- 2) the amount, if any, that the person acknowledges to be due and payable to the State; and
- 3) any other information that will enable the Comptroller to determine the amount, if any, that is due and payable to the State.

c) Upon receipt of a timely protest, the Comptroller shall determine the amount due and payable to the State. This determination shall be made in light of all information relating to the transaction in the possession of the Comptroller and any other information the Comptroller may reasonably request and obtain from the State agency and the person subject to the offset.

d) If the Comptroller requests information from the State agency relating to the offset, the State agency shall respond within 90 days of the Comptroller's request. The Comptroller may grant a State agency an additional 90 day extension of time to respond for the following reasons:

- 1) the State agency is actively pursuing further investigation;
- 2) the matter is in active settlement negotiations; or
- 3) other good cause shown by the State agency.

e) From the deposit into the State Offset Claim Fund made pursuant to Rule 1104(c) (74 Ill. Adm. Code Section 285.1104(c)), the Comptroller shall issue a warrant to the appropriate fund to the credit of the State agency entitled thereto, for the amount found due and payable to the State. Any balance of that deposit shall be returned to the person subject to the offset.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 285.1107 Notification of the Comptroller's Exercise of Section 10.05

Whenever the Comptroller exercises his authority granted under Section 10.05, the person subject to the offset and the agency that originated the voucher shall be sent a copy of the voucher against which the deduction was made, ~~among~~ with or a written statement of containing all relevant information from the voucher. The written statement shall include the reason for the deduction which and shall indicate the amount of money deducted. The person subject to the offset and the agency originating the voucher shall receive a copy of the

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the transaction in the possession of the Comptroller.
(Source: Amended, at 18 Ill. Reg. effective

written statement; however, the agency may not receive the
written statement and the voucher. At the request of the State agency
submitting the claim for offset, the Comptroller shall notify said State agency
by letter or other means of the offset including the amount of money deducted.

(Source: Amended at 18 Ill. Reg. effective

Section 285.1108 Record Retention

The Comptroller shall retain in his records a copy of the written statement of
the reason for the deduction in accordance with the State Records Act (5 ILCS
160) and the State Comptroller Act (15 ILCS 105).

(Source: Amended at 18 Ill. Reg. effective

Section 285.1109 Accounting for Recovery

Whenever the Comptroller deducts an amount from a grant under Section 10.05
of the State Comptroller Act, the Comptroller shall charge the vouchering
agency for the full amount of the voucher submitted. Recovery of the account
or claim eligible to be offset will be handled in the following manner: if the
agency and the appropriation to which the expenditure was charged has not
lapsed, the amount recovered shall be credited to such appropriation as well as
the fund from which the expenditure was made and shall be available for
expenditure. If the appropriation to which the expenditure was charged has
lapsed, or if the expenditure was not charged to an appropriation, the amount
recovered shall be credited to the fund from which the expenditure was made and
shall be available for expenditure unless such credit or availability is
otherwise prohibited by law. If the account or claim eligible to be offset
arose from an occurrence other than expenditure, the recovery shall be credited
to the General Revenue Fund unless otherwise provided by law. Child support
claims which are recovered will be turned over to the Department of Public Aid
for distribution to those persons entitled to such claims.

(Source: Amended at 18 Ill. Reg. effective

Section 285.1110 Transition Period

Beginning with the effect date of this Part, for all protests currently on file
with the Comptroller, the Comptroller shall notify the State agency which has
submitted the claim for offset, of the mandatory 90 day response period and of
the possibility of a 90 day extension of the response period. At the
conclusion of the response period, the Comptroller shall make a determination
of the amount due and payable to the State based on all of the information
amount due and payable to the State based on all of the information relating to

2) A Comptroller Description of
1) Section 285.1101 et seq. (310 ILCS 105)
Section 285.1101: Initial Home Care Act (111 Reg. 285.1101)
340.3020 New Sec
340.3030 New Sec
340.3030 New Section

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1) Heading of the Part: Illinois Veterans' Homes Code2) Code Citation: 77 Ill. Adm. Code 3403) Section Numbers: Proposed Action:

340.1000	New Section
340.1010	New Section
340.1110	New Section
340.1120	New Section
340.1130	New Section
340.1140	New Section
340.1150	New Section
340.1160	New Section
340.1170	New Section
340.1190	New Section
340.1200	New Section
340.1210	New Section
340.1220	New Section
340.1230	New Section
340.1240	New Section
340.1250	New Section
340.1260	New Section
340.1300	New Section
340.1310	New Section
340.1320	New Section
340.1330	New Section
340.1340	New Section
340.1350	New Section
340.1360	New Section
340.1370	New Section
340.1400	New Section
340.1410	New Section
340.1420	New Section
340.1430	New Section
340.1440	New Section
340.1450	New Section
340.1460	New Section
340.1470	New Section
340.1480	New Section
340.1500	New Section
340.1510	New Section
340.1520	New Section
340.1530	New Section
340.1540	New Section
340.1550	New Section
340.1560	New Section
340.1570	New Section
340.1580	New Section

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340.1590	New Section
340.1600	New Section
340.1610	New Section
340.1620	New Section
340.1630	New Section
340.1700	New Section
340.1710	New Section
340.1720	New Section
340.1800	New Section
340.1810	New Section
340.1820	New Section
340.1830	New Section
340.1840	New Section
340.1900	New Section
340.1910	New Section
340.1920	New Section
340.1930	New Section
340.1940	New Section
340.1950	New Section
340.1960	New Section
340.2000	New Section
340.2010	New Section
340.2020	New Section
340.2030	New Section
340.2040	New Section
340.2050	New Section
340.2060	New Section
340.2070	New Section

4) Statutory Authority: Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45]

5) A Complete Description of the Subjects and Issues Involved:

The Department of Public Health is proposing these rules to replace emergency rules that became effective June 21, 1994. The emergency rules were adopted so that the newly constructed Anna Veterans Home, a 50-bed skilled nursing facility in Anna, Illinois, could be licensed under the Nursing Home Care Act. State licensure is necessary for the federal Department of Veterans Affairs to provide funding for the operation of the facility. Although the new facility will be licensed under the Nursing Home Care Act, new rules, rather than amendments to the existing rules, are necessary to avoid duplication of the federal survey process. The federal government has an extensive inspection program for Veterans' facilities and regulations addressing physical plant, staffing, resident services, and equipment, which are incorporated by reference in these rules.

These rules set forth requirements necessary for the Department to issue a

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license for a veterans' home under the Nursing Home Care Act. Application requirements, definitions, and provisions for inspections, waivers, and determination of violations are included in Subpart A of the rules. Subpart B sets forth provisions for policies and facility records, including disaster preparedness and personnel policies. Resident rights requirements are included in Subpart C. Health services such as communicable disease policies, life-sustaining treatments and the use of restraints are addressed in Subpart D. Subpart E contains requirements for recreational and activity programs, social services and work programs. Resident records requirements are set forth in Subpart F. Food service requirements, such as therapeutic diets and meal planning, are contained in Subpart G. Physical plant services, furnishings, equipment and supplies are included in Subpart H.

These rules were considered by the Long-Term Care Facility Advisory Board at its July 20, 1994, meeting.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of the Notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☒ No ☐

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☒ No ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
_____	_____	_____
_____	_____	_____

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10) Statement of Statewide Policy Objectives:

This rulemaking does not create or expand a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Ms. Gail M. Devito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. Devito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected:

None

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None

C) Types of Professional Skills Necessary for Compliance:

None

The full text of the Proposed Rules begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 340

ILLINOIS VETERANS' HOMES CODE

SUBPART A: GENERAL PROVISIONS

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340.1000	Definitions
340.1010	Incorporated and Referenced Materials
340.1110	General Requirements
340.1120	Application for License
340.1130	Criteria for Adverse Licensure Actions
340.1140	Denial of Initial License
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340.1190	Ownership Disclosure
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SUBPART B: POLICIES AND FACILITY RECORDS

Section	
340.1300	Facility Policies
340.1310	Admission and Discharge Policies
340.1320	Disaster Preparedness
340.1330	Serious Incidents and Accidents
340.1340	Facility Record Requirements
340.1350	Personnel Policies
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SUBPART C: RESIDENT RIGHTS

Section	
340.1400	Implementation of Resident Rights and Facility Responsibilities
340.1410	General
340.1420	Contract Between Resident and Facility
340.1430	Residents' Advisory Council
340.1440	Abuse and Neglect

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340.1450	Communication and Visitation
340.1460	Resident's Funds
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SUBPART D: HEALTH SERVICES

Section	
340.1500	Medical Care Policies
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340.1530	Physician Services
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340.1580	Restraints
340.1590	Nonemergency Use of Restraints
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340.1610	Unnecessary, Psychotropic, and Antipsychotic Drugs
340.1620	Medication Administration
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SUBPART E: RESIDENT LIVING SERVICES

Section	
340.1700	Recreational and Activity Programs
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SUBPART F: RESIDENT RECORDS

Section	
340.1800	Resident Record Requirements
340.1810	Content of Medical Record
340.1820	Records Pertaining to Resident's Property
340.1830	Retention, Transfer, and Inspection of Records
340.1840	Confidentiality of Resident's Records

SUBPART G: FOOD SERVICE

Section	
340.1900	Food Service Staff
340.1910	Diet Orders
340.1920	Adequacy of Diet and Meal Pattern
340.1930	Therapeutic Diets
340.1940	Menu Planning
340.1950	Food Preparation and Service
340.1960	Kitchen Equipment, Utensils and Supplies

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SUBPART H: PHYSICAL PLANT SERVICES,
FURNISHINGS, EQUIPMENT AND SUPPLIES

Section	Maintenance
340.2000	Water Supply, Sewage Disposal and Plumbing
340.2010	Housekeeping
340.2020	Laundry Services
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TABLE A	Parameters--Relative Humidity and Temperature
TABLE B	Guidelines for the Use of Various Drugs

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45].

SOURCE: Emergency rule adopted at 18 Ill. Reg. 10391, effective June 21, 1994, for a maximum of 150 days; adopted at 18 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 340.1000 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

Abuse - any physical or mental injury or sexual assault inflicted on a resident other than by accidental means in a facility. (Section 1-103 of the Act)

Abuse means:

Physical abuse refers to the infliction of injury on a resident that occurs other than by accidental means and that requires (whether or not actually given) medical attention.

Mental injury arises from the following types of conduct:

Verbal abuse refers to the use by a licensee, employee or agent of oral, written or gestured language that includes disparaging and derogatory terms to residents or within their hearing or seeing distance, regardless of their age, ability to comprehend or disability.

Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment or

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deprivation, or offensive physical contact by a licensee, employee or agent. Sexual harassment or sexual coercion perpetrated by a licensee, employee or agent.

Sexual assault.

Access - the right to:

Enter any facility;
Communicate privately and without restriction with any resident who consents to the communication;
Seek consent to communicate privately and without restriction with any resident;
Inspect the clinical and other records of a resident with the express written consent of the resident;
Observe all areas of the facility except the living area of any resident who protests the observation. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45]

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 340.1220 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a Type A or Type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator.)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

Affiliate - means:

With respect to a partnership, each partner thereof.

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With respect to a corporation, each officer, director and stockholder thereof.

With respect to a natural person: any person related in the first degree of kinship to that person; each partnership and each partner thereof of which that person or any affiliate of that person is a partner; and each corporation in which that person or any affiliate of that person is an officer, director or stockholder. (Section 1-106 of the Act)

Applicant - any person making application for a license. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Chemical Restraint - any drug that is used for discipline or convenience and is not required to treat medical symptoms. (Section 2-106 of the Act, as amended by P.A. 88-413, effective August 20, 1993)

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and

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the facility or its agent.

Convenience - any action taken by the facility to control resident behavior or maintain residents with a lesser amount of effort by the facility and not in the resident's best interest.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1991, ch. 111, pars. 2301 et seq.) [225 ILCS 25].

Department - as used in this Part means the Illinois Department of Public Health.

Developmental Disability - means a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairments, such as mental retardation, cerebral palsy, epilepsy, autism;

is manifested before the person attains age 22;

is likely to continue indefinitely;

results in substantial functional limitations in 3 or more of the following areas of major life activity:

self-care,
receptive and expressive language,
learning,
mobility,
self-direction,
capacity for independent living, and
economic self-sufficiency; and

reflects the person's need for combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated. (Section 3-801.1 of the Act)

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or is a graduate, prior to July

1, 1990, of a Department-approved course that provided 90 or more

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hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or
 has successfully completed a Dietary Manager's Association approved dietary managers course; or
 is certified as a dietary manager by the Dietary Manager's Association; or has training and experience in food service supervision and management in a military service equivalent in content to the programs in paragraphs (2), (3) or (4) of this definition.

Dietitian - a person who:
 is eligible for registration by the American Dietetic Association; or
 has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - work performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

Director - the Director of Public Health or his designee. (Section 1-110 of the Act)

Discharge - the full release of any resident from a facility. (Section 1-111 of the Act)

Discipline - any action taken by the facility for the purpose of punishing or penalizing residents.

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility. (Section 1-112 of the Act)

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department,

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or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility or long-term care facility - A private home, institution, building, residence, or any other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code (Ill. Rev. Stat. 1991, ch. 34, pars. 5-21001 et seq. and 5-22001 et seq.) [55 ILCS 5], or any similar institution operated by a political subdivision of the State of Illinois, which provides, through its ownership or management, personal care, sheltered care or nursing for three or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVII and Title XIX of the Federal Social Security Act (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "Facility" does not include the following:

A home, institution, or other place operated by the federal government or agency thereof, or by the State of Illinois;
 A hospital, sanitarium, or other institution whose principal activity or business is the diagnosis, care and treatment of human illness through the maintenance and operation as organized facilities thereof, which is required to be licensed under the Hospital Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 142 et seq.) [210 ILCS 85];

Any "facility for child care" as defined in the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, pars. 2211 et seq.) [225 ILCS 101];

Any "Community Living Facility" as defined in the Community Living Facilities Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4181 et seq.) [210 ILCS 35];

Any "community residential alternative" as defined in the Community Residential Alternatives Licensing Act (Ill. Rev. Stat. 1991, ch. 91 1/2, pars. 621 et seq.) [210 ILCS 140];

Any nursing home or sanatorium operated solely by and for persons who rely exclusively upon treatment by spiritual means through prayer, in accordance with the creed or tenets of any well-recognized church or religious denomination. However, such nursing home or sanatorium shall comply with all local laws and rules relating to sanitation and safety;

Any facility licensed by the Department of Mental Health and Developmental Disabilities as a community-integrated living arrangement as defined in the Community-Integrated Living Arrangements Licensure and Certification Act (Ill. Rev. Stat.

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1991, ch. 91 1/2, pars. 1701 et seq.) [210 ILCS 1351; or *Any Supportive Residence Licensed under the Supportive Residences Licensing Act* (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 9001 et seq.) [210 ILCS 65]. (Section 1-113 of the Act)

Financial Resources - having sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two-month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

Guardian - a person appointed as a guardian of the person or guardian of the estate, or both, of a resident under the Probate Act of 1975 (Ill. Rev. Stat. 1991, ch. 110 1/2, pars. 1-1 et seq.) [755 ILCS 5]. (Section 1-114 of the Act)

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

Illinois Veterans' Home - a facility owned but not operated by the Illinois Department of Veterans' Affairs.

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's strengths and needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. The Interdisciplinary Team includes at least the resident, the resident's guardian, the resident's primary service providers, including staff most familiar with the resident; and other appropriate professionals and care givers as determined by the resident's needs. The resident or his or her guardian may also invite other individuals to meet with the Interdisciplinary Team and participate in the process of identifying the resident's strengths and needs.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act

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(Ill. Rev. Stat. 1991, ch. 111, pars. 3651 et seq.) [225 ILCS 70].

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

Licensee - the person or entity licensed to operate the facility as provided under the Act. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

Maintenance - food, shelter, and laundry services. (Section 1-116 of the Act)

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

Neglect - a failure in a facility to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. (Section 1-117 of the Act)

Neglect means:

The failure to provide adequate medical or personal care or maintenance, which failure results in physical or mental injury to a resident or in the deterioration of a resident's physical or mental condition. This shall include any allegation where:

the alleged failure causing injury or deterioration is ongoing or repetitious; or
a resident required medical treatment as a result of the alleged failure; or
the failure is alleged to have caused a noticeable

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negative impact on a resident's health, behavior or activities for more than 24 hours.

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Nurse - a registered nurse or a licensed practical nurse as defined in the *Illinois Nursing Act of 1987* (Ill. Rev. Stat. 1991, ch. 111, pars. 3501 et seq.) [225 ILCS 65]. (Section 1-118 of the Act)

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the State of Illinois as an occupational therapist under the *Illinois Occupational Therapy Practice Act* (Ill. Rev. Stat. 1991, ch. 111, par. 3701 et seq.) [225 ILCS 75].

Occupational Therapy Assistant - a person who is registered with the State of Illinois as a certified occupational therapy assistant under the *Illinois Occupational Therapy Practice Act*.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Other Resident Injury - occurs where a resident is alleged to have suffered physical or mental harm and the allegation does not fall within the definition of abuse or neglect.

Oversight - general watchfulness and appropriate reaction to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

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Owner - the individual, partnership, corporation, association or other person who owns a facility. In the event a facility is operated by a person who leases the physical plant, which is owned by another person, "owner" means the person who operates the facility, except that is the person who owns the physical plant is an affiliate of the person who operates the facility and has significant control over the day-to-day operations of the facility, the person who owns the physical plant shall incur jointly and severally with the owner all liabilities imposed on an owner under the Act. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

Personal Care - assistance with meals, dressing, movement, bathing, or other personal needs, or maintenance, or general supervision and oversight of the physical and mental well being of an individual, who, is incapable of maintaining a private, independent residence or who is incapable of managing his person whether or not a guardian has been appointed for such individual. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the *Pharmacy Practice Act of 1987* (Ill. Rev. Stat. 1991, ch. 111, pars. 4121 et seq.) [225 ILCS 85].

Physical Restraint - any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body, which the individual cannot remove easily and which restricts freedom of movement or normal access to one's body. (Section 2-106 of the Act, as amended by P.A. 88-413, effective August 20, 1993)

Physical Therapist Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the State of Illinois as a physical therapist under the *Illinois Physical Therapy Act* (Ill. Rev. Stat. 1991, ch. 111, pars. 4251 et seq.) [225 ILCS 90].

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the *Medical Practice Act of 1987* (Ill. Rev. Stat. 1991, ch. 111, pars. 4400-1 et seq.) [225 ILCS 60].

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the

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qualifications of the applicant.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the State of Illinois to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1991, ch. 111, pars. 5351 et seq.) [225 ILCS 15].

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

Reasonable visiting hours - any time between the hours of 10 a.m. and 8 p.m. daily. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

Repeat violation - for purposes of assessing fines under Section 3-305 of the Act, a violation that has been cited during one inspection of the facility for which a subsequent inspection indicates that an accepted plan of correction was not complied with, within a period of not more than twelve months from the issuance of the initial violation. A repeat violation shall not be a new citation of the same rule, unless the licensee is not substantially addressing the issue routinely throughout the facility. (Section 3-305(7) of the Act)

Resident - person residing in and receiving personal care from a facility. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

Resident's Representative - a person other than the owner, or an agent or employee of a facility not related to the resident, designated in writing by a resident to be his representative, or the resident's guardian, or the parent of a minor resident for whom no guardian has been appointed. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they

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are capable (physical, mental, and social).

Restraint of a Resident - use of a physical or chemical restraint.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident alone in a room which the resident cannot open.

Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

Social Worker, Qualified - a person who: is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1991, ch. 111, pars. 6351 et seq.) [225 ILCS 20].

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

Stockholder of a corporation - any person who, directly or indirectly, beneficially owns, holds or has the power to vote, at least five percent of any class of securities issued by the corporation. (Section 1-125 of the Act)

Student Intern - means any person whose total term of employment in any facility during any 12-month period is equal to or less than 90 continuous days, and whose term of employment is either:

an academic credit requirement in a high school or undergraduate institution, or

immediately succeeds a full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution, provided that such person is registered for another full quarter, semester or trimester of academic enrollment in either a high school or undergraduate institution which quarter, semester or trimester will commence immediately following the term of employment. (Section 1-125.1 of the Act)

Substantial Failure - the failure to meet requirements other than a

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variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 340.1130(b)(1).

Sufficient - same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet assistant level (two-year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

Title XVIII - Title XVIII of the Federal Social Security Act as now or hereafter amended. (Section 1-126 of the Act)

Title XIX - Title XIX of the Federal Social Security Act as now or hereafter amended. (Section 1-127 of the Act)

Transfer - a change in status of a resident's living arrangements from one facility to another facility. (Section 1-128 of the Act)

Type A Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom. (Section 1-129 of the Act)

Type B Violation - a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility directly threatening to the health, safety or welfare of a resident. (Section 1-130 of the Act)

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and

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unexpired.

Section 340.1010 Incorporated and Referenced Materials

- a) The following regulations, standards, and statutes are incorporated or referenced in this Part:
- 1) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1980), which may be obtained from the American Dietetic Association, 430 North Michigan Avenue, Chicago, Illinois 60611.
 - 2) Federal statutes and regulations:
 - A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);
 - B) Social Security Act (42 U.S.C. 301 et seq.);
 - C) Veterans' Benefits (38 U.S.C. 101; 38 U.S.C. 641 et seq.);
 - D) U.S. Public Health Service, Guidelines for the Prevention and Control of Nosocomial Infections, which includes the following guidelines and may be obtained from the Center for Infectious Diseases, Centers for Disease Control, U.S. Public Health Service, Department of Health and Human Services, Atlanta, Georgia 30333.
 - i) Guideline for Prevention of Catheter-Associated Urinary Tract Infections (October 1981);
 - ii) Guideline for Handwashing and Hospital Environmental Control (1985);
 - iii) Guideline for Prevention of Intravascular Infections (October 1981);
 - iv) Guideline for Prevention of Surgical Wound Infections (March 1982; Revised 1985);
 - v) Guideline for Prevention of Nosocomial Pneumonia (July 1982);
 - vi) Guideline for Isolation Precautions in Hospitals (July 1983);
 - vii) Guideline for Infection Control in Hospital Personnel (July 1983);
 - E) General program requirements for construction and acquisition of and equipment for State home facilities (38 CFR 17.177);
 - F) Domiciliary and nursing home care program (38 CFR 17.178);
 - G) State home hospital program (38 CFR 17.179);
 - H) General design guidelines and standards (38 CFR 17.183).
 - 3) State of Illinois Statutes:
 - A) The Illinois Dental Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 2301 et seq.) [225 ILCS 25];
 - B) The Election Code (Ill. Rev. Stat. 1991, ch. 46, par. 1-1 et seq.) [10 ILCS 5];
 - C) Freedom of Information Act (Ill. Rev. Stat. 1991, ch. 116, par. 201 et seq.) [5 ILCS 140];
 - D) General Not For Profit Corporation Act of 1986 (Ill. Rev. Stat. 1991, ch. 32, par. 101.01 et seq.) [805 ILCS 105];

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- E) Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1151 et seq.) [20 ILCS 3960];
- F) The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 3501 et seq.) [225 ILCS 65];
- G) Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 3701 et seq.) [225 ILCS 75];
- H) Illinois Physical Therapy Act (Ill. Rev. Stat. 1991, ch. 111, par. 4251 et seq.) [225 ILCS 90];
- I) Life Care Facilities Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4160-1 et seq.) [210 ILCS 40];
- J) Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.) [225 ILCS 60];
- K) Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 1-100 et seq.) [405 ILCS 5];
- L) Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1991, ch. 111, par. 3651 et seq.) [225 ILCS 70];
- M) Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.) [210 ILCS 45];
- N) Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4121 et seq.) [225 ILCS 85];
- O) Private Sewage Disposal Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 116.301 et seq.) [225 ILCS 225];
- P) Probate Act of 1975 (Ill. Rev. Stat. 1991, ch. 110 1/2, par. 1-1 et seq.) [755 ILCS 5];
- Q) The Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 1-1 et seq.) [305 ILCS 5];
- 4) State of Illinois rules:
- A) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690);
- B) Department of Public Health, Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693);
- C) Department of Public Health, Food Service Sanitation (77 Ill. Adm. Code 750);
- D) Department of Public Health, Illinois Plumbing code (77 Ill. Adm. Code 890);
- E) Department of Public Health, Private Sewage Disposal Code (77 Ill. Adm. Code 905);
- F) Department of Public Health, Drinking Water Systems (77 Ill. Adm. Code 900);
- G) Department of Public Health, Illinois Water Well Construction Code (77 Ill. Adm. Code 920);
- H) Department of Public Health, Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925);
- I) Department of Professional Regulation, Controlled Substances Act (77 Ill. Adm. Code 3100);
- J) Department of Alcoholism and Substance Abuse, Alcoholism and Substance Abuse Treatment, Intervention and Research Programs (77 Ill. Adm. Code 2058);

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- K) Department of Public Aid, Access to Cost Reports (89 Ill. Adm. Code 140.544).
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) All citations to federal regulations in this Part concern the specified regulation in the 1991 Code of Federal Regulations, unless another date is specified.

Section 340.1110 General Requirements

- a) This Part applies to the licensure of Illinois Veterans' Homes, subject to the terms and conditions of the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45].
- b) The license issued to each licensee shall state the maximum bed capacity for which it is granted, the date the license was issued and the expiration date, licensee's name, facility name, address, the classification by level of service authorized for that facility. (Section 3-110 of the Act)
- c) A facility shall admit only that number of residents for which it is licensed. (Section 2-209 of the Act)
- d) A facility licensed under the Act shall not use in its title or description "Hospital", "Sanitarium", "Sanatorium" or any other word or description in its title or advertisements that indicates that a type of service is provided by the facility that the facility is not licensed to provide or, in fact, does not provide.
- e) Any person constructing or modifying a long-term care facility or portion thereof shall obtain the required permit from the Health Facilities Planning Board to be eligible for licensure for that facility or portion thereof (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1163.1 et seq.) [20 ILCS 3960].

Section 340.1120 Application for License

- a) Application for a license to establish or operate a facility shall be made in writing and submitted, with other such information as the Department may require, on forms provided by the Department.
- b) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when a new license is issued to operate the facility; or when operation is discontinued; or when operation is moved to a new location; or when the licensee (if an individual) dies; or when the licensee (if a corporation or partnership) dissolves or terminates; or when the licensee (whatever the entity) ceases to be.
- c) The Department may issue licenses or renewals for periods of not less than six (6) months nor more than eighteen (18) months for facilities with annual licenses and not less than 18 months nor more than 30

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months for facilities with 2-year licenses in order to distribute the expiration dates of such licenses throughout the calendar year. Fees for such licenses shall be prorated on the basis of the portion of a year for which they are issued. (Section 3-110 of the Act) The prorated fee will be as follows:

- 1) Six (6) months to less than twelve (12) months - \$150.00;
- 2) Twelve (12) months to eighteen (18) months - \$200.00;
- 3) Eighteen (18) months to less than twenty-four (24) months - \$350.00;
- 4) Twenty-four (24) months to thirty (30) months - \$400.00.

- d) The licensee shall qualify for issuance of a two-year license if the licensee has met the criteria contained in Section 3-110(b) of the Act for the last twenty-four (24) consecutive months.

Section 340.1130 Criteria for Adverse Licensure Actions

- a) Adverse licensure actions are determinations to deny the issuance of an initial license, to deny the issuance of a renewal of a license, or to revoke the current license of a facility.

- b) The Director may take adverse licensure action against a facility based on a finding that one or more of the following criteria are met:

- 1) There has been a substantial failure by the facility to comply with the Act or this Part. (Section 3-119(a)(1) of the Act) For purposes of this provision, substantial failure is a failure to meet the requirements of the Act and this Part that is other than a variance from strict and literal performance that results only in unimportant omissions or defects given the particular circumstances involved.
- 2) Conviction of the licensee, or of the applicant, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, during the previous five years as shown by a certified copy of the record of the court of conviction. (Section 3-119 (a)(2) of the Act)
- 3) Personnel (or, for an initial applicant, the proposed personnel) are insufficient in number or unqualified by training or experience to properly care for the number and type of residents served by the facility. (Section 3-119(a)(3) of the Act)
- 4) Financial or other resources are insufficient to conduct or operate the facility in accordance with this Part. (Section 3-119(a)(4) of the Act)
- 5) The facility is not under the direct supervision of a full-time administrator as required by Section 340.1370. (Section 3-119(a)(5) of the Act)
- 6) The rights of residents of the facility have been violated by any of the following actions:
 - A) A pervasive pattern of cruelty or indifference to residents has occurred in the facility.
 - B) The facility has appropriated or converted for its use the property of a resident without the resident's written

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- c) consent or the consent of the resident's legal guardian. The facility has secured property, or a bequest of property, from a resident by undue influence.

- 7) False information has been knowingly submitted by the facility either on the licensure or renewal application forms or during the course of an inspection or survey of the facility.

- 8) Refusal to permit entry or inspection of the facility by agents of the Department. (Section 3-214 of the Act).

- c) The Director shall consider all available evidence at the time of the determination, including the history of the facility and the applicant in complying with the Act and this Part, notices of violations that have been issued to the facility and the applicant, findings of surveys and inspections, and any other evidence provided by the facility, residents, law enforcement officials and other interested individuals.

Section 340.1140 Denial of Initial License

- a) In addition to the criteria outlined in Section 340.1130, the Director may deny the issuance of an initial license based on revocation of a facility license. During the previous five years, if such prior license was issued to the individual applicant, a controlling owner or controlling combination of owners of the applicant; or any affiliate of the individual applicant or controlling owner of the applicant and such individual applicant, controlling owner of the applicant or affiliate of the applicant was a controlling owner of the prior license; provided, however, that the denial of an application for a license pursuant to this Part must be supported by evidence that such prior revocation renders the applicant unqualified or incapable of meeting or maintaining a facility in accordance with the Act and this Part. (Section 3-117 (5) of the Act)

- b) Immediately upon denial of any application or reapplication for a license, the Department shall notify the applicant in writing. The notice of denial shall include a clear and concise statement of violations of Section 3-117 of the Act on which denial is based and notice of the opportunity for hearing. (Section 3-118 of the Act)

Section 340.1150 Revocation or Denial of Renewal of License

- a) The license of a facility shall be revoked or application for renewal of a license of a facility shall be denied and the license of the facility shall be allowed to expire when the Director finds that a condition, occurrence, or situation in the facility meets any of the criteria specified in Section 340.1130(b).

- b) Pursuant to Section 10-65 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-65) [5 ILCS 100/10-65], licensees who are individuals are subject to denial of renewal of license if the individual is more than 30 days delinquent in complying with a child support order.

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- c) The license of a facility will be revoked when the facility fails to abate or eliminate a Type A violation.
- d) When the Director determines that the license of a facility is to be revoked or an application for renewal of a license of a facility is to be denied, the Department shall notify the facility. The notice to the facility shall be in writing and shall include:

- 1) A clear and concise statement of the violations on which the nonrenewal or revocation is based. (Section 3-119(b) of the Act)
- The statement shall include a citation to the provisions of the Act or this Part on which the application for renewal is being revoked or denied.
- 2) A statement of the date on which revocation will take effect or the current license of the facility will expire as provided in Section 3-119(d) of the Act.
- 3) A notice of the opportunity of the applicant for a hearing to contest the nonrenewal or revocation of the license. (Section 3-119(b) and (c) of the Act)

- e) The Department may extend the effective date of the license revocation or expiration in any case in order to permit orderly removal and relocation of residents. (Section 3-119(d)(3) of the Act)

Section 340.1160 Inspections, Surveys, Evaluations, and Consultations

The terms survey, inspection, and evaluation are synonymous. These terms refer to the overall examination of compliance with the Act and this Part.

- a) All facilities to which this Part applies shall be subject to and shall be deemed to have given consent to annual inspections, surveys or evaluations by properly identified personnel of the Department, State Fire Marshal's Office, state or federal department of Veterans' Affairs or by such other properly identified persons, including local health department staff, as the Department may designate. An inspection, survey, or evaluation, other than an inspection of financial records, shall be conducted without prior notice to the facility. A visit for the sole purpose of consultation may be announced. The licensee, or person representing the licensee in the facility, shall provide to the representative of the Department access and entry to the premises or facility for obtaining information required to carry out the Act and this Part. In addition, representatives of the Department shall have access to and may reproduce or photocopy at the Department's cost any books, records, and other documents maintained by the facility, the licensee or their representatives to the extent necessary to carry out the Act and this Part. A facility may charge the Department for such photocopying at a rate determined by the facility not to exceed the rate in the Department's Freedom of Information rules (2 Ill. Adm. Code 1126). (Sections 3-212(a) and 3-213 of the Act)

- b) Consultation consists of providing advice or suggestions to the staff of a facility at their request relative to specific matters of the scope of regulation, methods of compliance with the Act or this Part,

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or general matters of patient care.

Section 340.1170 Presentation of Findings by the Department

- a) If it is probable that findings will be presented that could be issued as violations of regulations which represent a direct threat to the health, safety or welfare of residents, surveyors shall notify the administrator or designee during the course of the survey of such possible findings.
- b) The Department shall conduct an exit conference with the administrator or other facility designee at the conclusion of each on-site inspection at the facility, whether or not the investigation has been completed. If the investigation has been completed, findings shall be presented during the exit conference. If the investigation has not been completed at the time of the facility exit, the Department shall inform the facility administrator or designee that the investigation is not complete and that findings may be presented to the facility at a later date. Presentation of any additional findings may be conducted at the facility, at the Department's regional office, or by telephone.
- c) With the assistance of the administrator, surveyors shall schedule a time and place for the exit conference to be held at the conclusion of the survey.
- d) At the exit conference, surveyors shall present their findings and resident identity key and identify regulations related to the findings. The facility administrator or designee shall have an opportunity at the exit conference to discuss and provide additional documentation related to the findings. The Department's surveyors conducting the exit conference may, in their discretion, modify or eliminate any or all preliminary findings in accordance with any facts presented by the facility to the Department during the exit conference.
- e) Additional comments or documentation may be submitted by the facility to the Department during a 10-day comment period as allowed by the Act.
- f) If the Department determines, after review of the comments submitted pursuant to subsection (e) of this Section, that the facility may have committed violations of the Act or this Part different than or in addition to those presented at the exit conference and the violations may be cited as either a Type A or repeat Type B violation, the Department shall so inform the facility in writing. The facility shall then have an opportunity to submit additional comments addressing the different or additional sections of the Act or this Part. The surveyor will be advised of any code changes made after their recommendations are submitted.
- g) The facility shall have 5 working days from receipt of the notice required by subsection (f) of this Section to submit its additional comments to the Department. The Department shall consider such additional comments in determining the existence and level of

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violation of the Act and/or this Part in the same manner as the Department considers the facility's original comments.

h) If desired by the facility, an audio-taped recording may be made of the exit conference provided that a copy of such recording be provided, at facility expense, to the surveyors at the conclusion of the exit conference. No video-taped recording shall be allowed.

i) Surveyors shall not conduct an exit conference for the following reasons:

- 1) The facility administrator or designee requests that an exit conference not be held;
- 2) During the scheduled exit conference, facility staff and/or their guests create an environment that is not conducive to a meaningful exchange of information.

Section 340.1190 Ownership Disclosure

As a condition of the issuance or renewal of the license of any facility, the applicant shall file a statement of ownership, as follows (Section 3-207(a) of the Act):

- a) The name, address, Social Security Number, telephone number, occupation or business activity, business address, business telephone number, and the percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five percent or more in the legal entity designated as the operator/licensee of the facility which is the subject of the application or license;
- b) The name, address, Social Security Number, telephone number, occupation or business activity, business address, business telephone number, and the percent of direct or indirect financial interest of those persons who have a direct or indirect financial interest of five percent or more in the legal entity that owns the building in which the operator/licensee is operating the facility which is the subject of the application or license; and
- c) The name and address of any facility, wherever located, any financial interest in which is owned by the applicant, if the facility were required to be licensed if it were located in this state. (Section 3-207(b) of the Act)

Section 340.1200 Monitor and Receivership

a) The Department may place an employee or agent to serve as a monitor in accordance with Section 3-501 of the Act. (Section 3-501 of the Act) The monitor shall meet the following minimum requirements:

- 1) have an understanding of the needs of long-term care facility residents as evidenced by one year of experience in working with the elderly in programs such as patient care, social work, advocacy, or facility inspection;
- 2) have an understanding of the Act and this Part which are the subject of the monitors' duties as evidenced in a personal

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interview of the candidate;

- 3) be unrelated to the owners or licensee of the involved facility either through blood, marriage or common ownership of real or personal property except ownership of stock that is traded on a stock exchange;
- 4) have successfully completed a baccalaureate degree, or possess a nursing license or a nursing home administrator's license; and
- 5) have two years full-time work experience in the long-term care industry of the State of Illinois.

b) The monitor shall be under the supervision of the Department and shall perform the duties of a monitor delineated in Section 3-502 of the Act in accordance with the Department's instructions.

c) All communications, including but not limited to data, memoranda, correspondence, records and reports shall be transmitted to and become the property of the Department, plus, findings and results of the monitor's work done under this Part shall be strictly confidential and not subject to disclosure without written authorization from the Department or by court order subject to disclosure only in accordance with the provisions of the Freedom of Information Act, subject to the confidentiality requirements of the Act.

d) The assignment as monitor may be terminated at any time by the Department.

e) Through consultation with the long-term care industry associations, professional organizations, consumer groups and health care management corporations, the Department shall maintain a list of receivers. Preference on the list shall be given to individuals possessing a valid Illinois Nursing Home Administrator's License, experience in financial and operations management of a long-term care facility and individuals with access to consultative experts with the aforementioned experience. To be placed on the list, individuals must meet the following minimum requirements:

- 1) have an understanding of the needs of long-term care facility residents and the delivery of the highest possible quality of care as evidenced by one year of experience in working with the elderly in programs such as patient care, social work, advocacy, or facility inspection.
- 2) have an understanding and working knowledge of the Act and this Part as evidenced in a personal interview of the candidate.

f) Upon appointment of a receiver for a facility by a court, the Department shall inform the individual of all legal proceedings to date that concern the facility.

g) The receiver may request that the Director of the Department authorize expenditures from monies appropriated, pursuant to Section 3-511 of the Act, if incoming payments from the operation of the facility are less than the costs incurred by the receiver.

Section 340.1210 Determination of a Violation

a) Upon receipt of a report of an inspection, survey or evaluation of a

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facility, the Director shall review the findings contained in the report to determine whether the report's findings constitute a violation or violations of which the facility must be given notice. All information, evidence, and observations made during an inspection, survey or evaluation shall be considered in determining findings or deficiencies. (Section 3-212(c) of the Act)

b) In making this determination, the Director shall consider any comments and documentation provided by the facility within ten days of the facility's receipt of the report.

c) In determining whether the findings warrant the issuance of a notice of violation, the Director shall base his determination on the following factors:

- 1) *The severity of the finding.* The Director or his designee will consider whether the finding constitutes merely a technical, non-substantial error or whether the finding is serious enough to constitute an actual violation of the intent and purpose of the standard. (Section 3-212 (c) of the Act)
- 2) *The danger posed to resident health and safety.* The Director or his designee will consider whether the finding could pose any direct harm to the residents. (Section 3-212(c) of the Act)
- 3) *The diligence and efforts to correct deficiencies and correction of reported deficiencies by the facility.* Consideration will be given to any evidence provided by the facility in its comments and documentation that steps have been taken to reduce noted findings and to ensure a reduction of deficiencies. (Section 3-212(c) of the Act)
- 4) *The frequency and duration of similar findings in previous reports and the facility's general inspection history.* The Director or his designee will consider whether the same finding or similar finding relating to the same condition or occurrence has been included in previous reports and the facility has allowed the condition or occurrence to continue or to recur. (Section 3-212(c) of the Act)

Section 340.1220 Determination of the Level of a Violation

a) After determining that issuance of a notice of violation is warranted and prior to issuance of the notice, the Director will review the findings that are the basis of the violation and any comments and documentation provided by the facility. The level of violation shall be determined based on the definition of level of violation contained in the Act, Section 340.1000 of this Part and on the criteria outlined in this Section.

b) In determining the level of a violation, the Director shall consider the following criteria:

- 1) The degree of danger to the resident or residents which is posed by the condition or occurrence in the facility. The following factors will be considered in assessing the degree of danger:
 - A) Whether the resident or residents of the facility are able

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to recognize conditions or occurrences that may be harmful and are able to take measures for self-preservation and self-protection. The extent of nursing care required by the residents as indicated by review of patient needs will be considered in relation to this determination.

- B) Whether the resident or residents have access to the area of the facility in which the condition or occurrence exists and the extent of such access. A facility's use of barriers, warning notices, instructions to staff and other means of restricting resident access to hazardous areas will be considered.
- C) Whether the condition or occurrence was the result of inherently hazardous activities or negligence by the facility.
- D) Whether the resident or residents of the facility were notified of the condition or occurrence and the promptness of such notice. Failure of the facility to notify residents of potentially harmful conditions or occurrences will be considered. The adequacy of the method of such notification and the extent to which such notification reduced the potential danger to the residents will also be considered.
- 2) The directness and imminence of the danger to the resident or residents by the condition or occurrence in the facility. In assessing the directness and imminence of the danger, the following factors will be considered:
- A) Whether actual harm, including death, physical injury or illness, mental injury or illness, distress, or pain, to a resident or residents resulted from the condition or occurrence and the extent of such harm.
 - B) Whether available statistics and records from similar facilities indicate that direct and imminent danger to the resident or residents has resulted from similar conditions or occurrences and the frequency of such danger.
 - C) Whether professional opinions and findings indicate that direct and imminent danger to the resident or residents will result from the condition or occurrence.
 - D) Whether the condition or occurrence was limited to a specific area of the facility or was widespread throughout the facility. Efforts taken by the facility to limit or reduce the scope of the area affected by the condition or occurrence will be considered.
 - E) Whether the physical, mental, or emotional state of the resident or residents, who are subject to the danger, would facilitate or hinder harm actually resulting from the condition or occurrence.
- c) If the Director determines that the report's findings constitute a violation which does not directly threaten the health, safety, or welfare of a resident, the Department shall issue an administrative warning. (Section 3-303.2(a) of the Act)

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Section 340.1230 Plans of Correction and Reports of Correction

- a) A facility shall have ten days after receipt of notice of violation for a Type B violation, or after receipt of a notice of failure to correct a situation, condition, or practice that resulted in the issuance of an administrative warning, to prepare and submit a plan of correction to the Department. (Section 3-303(b) of the Act)
- b) Within the ten-day period, a facility may request additional time for submission of the plan of correction. The Department may extend the period for submission of the plan of correction for an additional 30 days, when it finds that corrective action by a facility to abate or eliminate the violation will require substantial capital improvement. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of the residents of the facility in determining whether to grant a requested extension. (Section 3-303(b) of the Act)
- c) In lieu of submission of a plan of correction, a facility may submit a report of correction if corrective action has been completed. The report of correction must be submitted within the time period required in subsection (a) of this Section.
- d) Each plan of correction or report of correction shall be based on an assessment by the facility of the conditions or occurrences that are the basis of the violation and an evaluation of the practices, policies, and procedures that have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the facility. Each plan of correction or report of correction shall include:
 - 1) A description of the specific corrective action the facility is taking, or plans to take, or has taken to abate, eliminate, or correct the violation cited in the notice.
 - 2) A description of the steps that will be or have been taken to avoid future occurrences of the same and similar violations.
 - 3) A specific date by which the corrective action will be or was completed.
- e) Submission of a plan of correction or report of correction shall not be considered an admission by the facility that the violation has occurred.
- f) The Department shall review each plan of correction or report of correction to ensure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan or report only if it finds any of the following deficiencies:
 - 1) The plan or report does not address the conditions or occurrences that are the basis of the violation and an evaluation of the practices, policies, and procedures that have caused or contributed to the conditions or occurrences.
 - 2) The plan or report is not specific enough to indicate the actual actions the facility will be taking to abate, eliminate, or correct the violation.

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- 3) The plan or report does not provide for measures that will abate or eliminate, or correct the violation.
- 4) The plan or report does not provide steps that will avoid future occurrences of the same or similar violations.
- 5) The plan or report does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the residents, and the extent and complexity of the corrective action.
- g) When the Department rejects a submitted plan of correction or report of correction, it shall notify the facility. The notice of rejection shall be in writing and shall specify the reason for the rejection. The facility shall have ten days after receipt of the notice of rejection to submit a modified plan. (Section 3-303(b) of the Act)
- h) If a facility fails to submit a plan or report of correction or modified plan meeting the criteria in subsection (d) of this Section within the prescribed time periods in subsection (a) or subsection (g) of this Section, or anytime the Department issues a Type A or Repeat B violation, an approved plan of correction will be imposed by the Department. (Section 3-303(b) of the Act)

Section 340.1240 Calculation of Penalties

- a) For the purpose of calculating penalties, each day the violation exists after the date upon which a notice of the violation is received by the facility shall constitute a separate violation. The Department shall not be required to send additional notices of violation to the facility for such continuing violations. (Section 3-302 of the Act)
- b) For purposes of calculating penalties, the number of residents per day shall be based on the average number of residents in the facility during the 30 days preceding the discovery of the violation. (Section 3-305(5) of the Act)

Section 340.1250 Reduction or Waiver of Penalties

- a) When the Director finds that correction of a violation required capital improvements or repairs in the physical plant of the facility and the facility has a history of compliance with physical plant requirements, the penalty will be reduced by the amount of the cost of the improvements or repairs. This reduction, however, shall not reduce the penalty for a Type A violation to an amount less than \$1000.
- b) Penalties resulting from Type B violations may be reduced or waived only under one of the following conditions:
 - 1) The facility submits a true report of correction within ten days after the notice of violation is received, and the report is subsequently verified by the Department. (Section 3-308(a) of the Act)
 - 2) The facility submits a plan of correction within ten days after the notice of violation is received; the plan is approved by the

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Department; the facility submits a report of correction within 15 days after submission of the plan of correction; and the report is subsequently verified by the Department. (Section 3-308(b) of the Act)

- 3) The facility submits a plan of correction within ten days after the notice of a violation is received; the plan provides for correction time that is less than or equal to 30 days after submission of the plan of correction; and the Department approves such plan. (Section 3-308(c) of the Act)
- 4) Correction of the violation requires substantial capital improvements or repairs in the physical plant of the facility; the facility submits a plan of correction for violations involving substantial capital improvements which provides for correction within 90 days after submission of the plan, and the plan is approved by the Department. (Section 3-308(d) of the Act)

Section 340.1260 Waivers

- a) Upon application by a facility, the Director may grant or renew the waiver of the facility's compliance with this Part for a period not to exceed the duration of the current license or, in the case of an application for license renewal, the duration of the renewal period. (Section 3-303.1 of the Act)
- b) The waiver may be conditioned upon the facility taking action prescribed by the Director as a measure equivalent to compliance. (Section 3-303.1 of the Act)
- c) In determining whether to grant or renew a waiver, the Director shall consider:
 - 1) the duration and basis for any current waiver with respect to the same rule or standard;
 - 2) the continued validity of extending the waiver on the same basis;
 - 3) the effect upon the health and safety of residents;
 - 4) the quality of resident care (whether the waiver would reduce the overall quality of the resident care below that required by the Act or this Part);
 - 5) the facility's history of compliance with the Act and this Part (the existence of a consistent pattern of violation of the Act or this Part); and
 - 6) the facility's attempts to comply with the particular rule or standard in question. (Section 3-303.1 of the Act)
- d) The Department shall renew waivers relating to physical plant standards issued pursuant to this Section at the time of the indicated reviews, unless it can show why such waivers should not be extended for the following reasons:
 - 1) the condition of the physical plant has deteriorated or its use substantially changed so that the basis upon which the waiver was issued is materially different; or
 - 2) the facility is renovated or substantially remodeled in such a

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way as to permit compliance with the applicable rules and standards without substantial increase in cost. (Section 3-303.1 of the Act)

SUBPART B: POLICIES AND FACILITY RECORDS

Section 340.1300 Facility Policies

- a) The facility shall have written policies and procedures governing all services provided by the facility, which shall be formulated with the involvement of the administrator. These policies shall be in compliance with the Act and this Part. These written policies shall be followed in operating the facility and shall be reviewed at least annually, as evidenced by a dated signature.
- b) All the information contained in the policies shall be available to the public, staff, residents, and for review by Department personnel.
- c) These written policies shall include, at a minimum, the following provisions:
 - 1) Admission, transfer, and discharge of residents including the types of services offered by the facility that would cause residents to be admitted, transferred or discharged, and transfers within the facility from one room to another.
 - 2) Resident care services including physician services, emergency services, personal care and nursing services, restorative services, activity services, pharmaceutical services, dietary services, social services, clinical records, dental services, and diagnostic service (including laboratory and x-ray).
 - 3) Prohibition against blood transfusions, unless the facility is hospital based and appropriate services are available in case of an adverse reaction to the transfusions.

Section 340.1310 Admission and Discharge Policies

- a) No resident determined by professional evaluation to be in need of services not readily available in a particular facility, or distinct part of a facility, or through arrangement with a qualified outside resource, shall be admitted to or kept in that facility, provided that all involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Act. The Department defines a "qualified outside source" as one recognized as meeting professional standards for services provided.
- b) Each facility shall have a policy concerning the admission of persons needing prenatal or maternity care, and a policy concerning keeping of persons who become pregnant while they are residents of the facility. If these policies permit these persons to be admitted to, or kept in the facility, then the facility shall have a policy concerning the provision of adequate and appropriate prenatal and maternity care to these persons from in-house or outside resources. (See Section 340.1550)

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- c) Residents with a history of aggressive or self-abusive behavior may be admitted only if the facility has in place appropriate, effective and individualized programs to manage the resident's behaviors and adequate, properly trained and supervised staff to administer the programs.
- d) Persons under 18 years of age may not be cared for in a facility for adults without prior written approval from the Department.
- e) A facility shall not refuse to discharge or transfer a resident when requested to do so by the resident or, if the resident is incompetent, by the resident's guardian.
- f) If a resident insists on being discharged and is discharged against medical advice, the facts involved in the situation shall be fully documented in the resident's clinical record.
- g) A facility shall document all leaves and temporary transfers. Such documentation shall include date, time, condition of resident, person to whom the resident was released, planned destination, anticipated date of return, and any special instructions on medication dispensed.

Section 340.1320 Disaster Preparedness

- a) Each facility shall have policies covering disaster preparedness, including a written plan for staff and residents to follow in case of fire, explosion, severe weather or other hazardous circumstances or emergencies. The plan shall be rehearsed at least twice a year for each shift. The plan shall include, but is not limited to, the following:
 - 1) All personnel employed on the premises shall be properly instructed in the use of fire extinguishers.
 - 2) A written plan of evacuation posted, and made familiar to all personnel employed on the premises.
- b) Fire and disaster drills shall be held at least quarterly, for each shift of facility personnel and under varied conditions, in order to:
 - 1) Ensure that all personnel on all shifts are trained to perform assigned tasks;
 - 2) Ensure that all personnel on all shifts are familiar with the use of the fire fighting equipment in the facility; and
 - 3) Evaluate the effectiveness of disaster plans and procedures.
- c) Fire and disaster drills shall include simulation of evacuation of residents to safe areas during at least one drill each year on each shift.
- d) There shall be special provisions for the evacuation of physically handicapped individuals, including those who are hearing or sight impaired.
- e) Where the welfare of the residents precludes an actual evacuation of an entire building, there must be drills involving the evacuation of successive portions of the building under such conditions as to assure the capability of evacuating the entire building with the personnel usually available, should the need arise.
- f) There shall be a written evaluation of each drill submitted to the

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facility administrator, which shall be maintained for a year.

g) A written plan shall be developed for temporarily relocating the residents for any emergency requiring relocation and any time the temperature in residents' bedrooms falls below 55 degrees Fahrenheit for 12 hours or more.

- h) Reporting of Emergencies
 - 1) Upon the occurrence of any emergency or disaster requiring hospital service, police, fire department or coroner, the facility administrator or their designee must provide a preliminary report to the Department by either utilizing the nursing home hotline or by contacting directly the appropriate Department Regional Office during business hours. This preliminary report shall include, at a minimum:
 - A) Name and location of facility;
 - B) type of emergency;
 - C) number of injuries or deaths to residents;
 - D) number of beds not usable due to the event;
 - E) estimate of the extent of damages to the facility;
 - F) type of assistance needed, if any; and
 - G) other state or local agencies notified about the problem.
 - 2) If the emergency will not require direct Departmental assistance, the facility shall provide the preliminary report within 24 hours of the incident. Additionally, the facility shall submit to the Department a full written account of the emergency within seven days of the incident, which includes the information specified in subsections (h)(1)(A) through (h)(1)(G) of this Section and a statement of actions taken by the facility after the preliminary report.

- i) Each facility shall establish and implement policies and procedures in a written plan to provide for the health, safety, welfare and comfort of all residents whenever the temperature and relative humidity inside the residents' living, dining, activities or sleeping areas of the facility are equal to or exceed the upper or lower limit lines (the solid lines) of the chart, "Zones of Physiological Perception," displayed in Section 340. Table A: "Disaster Preparedness Parameters -- Relative Humidity and Temperature."

Section 340.1330 Serious Incidents and Accidents

- a) The facility shall notify the Department of any incident or accident that has, or is likely to have, a significant effect on the health, safety, or welfare of a resident or residents. Incidents and accidents requiring the services of a physician, hospital, police or fire department, coroner, or other service provider on an emergency basis shall be reported to the Department.
 - 1) Notification shall be made by a phone call to the Regional Office within 24 hours of each serious incident or accident. If the facility is unable to contact the Regional Office, notification shall be made by a phone call to the Department's toll-free

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complaint registry number.

- 2) A narrative summary of each serious accident or incident occurrence shall be sent to the Department within seven days of the occurrence.
- b) A descriptive summary of each incident or accident shall be recorded in the progress notes or nurse's notes for each resident involved.
- c) The facility shall maintain a file of all written reports of serious incidents or accidents involving residents.

Section 340.1340 Facility Record Requirements

- a) The facility shall maintain a file of reports of findings and recommendations from consultants. Each report shall be dated and indicate each specific date and time the consultant was in the facility.
- b) The facility shall complete the Illinois Department of Public Health Annual Long Term Care (LTC) Facility Survey.
- c) The facility shall maintain a permanent chronological resident registry showing date of admission, name of resident and date of discharge or death.

Section 340.1350 Personnel Policies

- a) Sufficient staff in numbers and qualifications shall be on duty all hours of each day to provide services that meet the total needs of the residents. As a minimum, there shall be at least one staff member awake, dressed, and on duty at all times.
- b) The facility shall document all arrangements for each consultant's services in a written agreement setting forth services to be provided. These agreements shall be updated annually.
- c) Each facility shall develop and maintain written personnel policies that are followed in the operation of the facility.
- d) Employment application forms shall be completed on each employee and kept on file in the facility. They shall contain, at a minimum, home address, social security number, educational background, past employment history including dates, positions held, reasons for leaving. The date of employment and position held shall be documented in each file.
- e) Employees shall only be assigned duties that are directly related to their job functions, as identified in their job descriptions. Exceptions may be made in emergencies.
- f) All personnel shall have either training or experience, or both, in the job assigned them.
- g) All new employees, including student interns, shall complete an orientation program covering, at a minimum, the following: general facility and resident orientation; job orientation, emphasizing allowable duties of the new employee; resident safety, including fire and disaster, emergency care and basic resident safety; and understanding and communicating with the type of residents being cared

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for in the facility. In addition, all new direct care staff, including student interns, shall complete an orientation program covering the facility's policies and procedure for resident care services before being assigned to provide direct care to residents. This orientation program shall include material regarding the prevention and treatment of decubitus ulcers and the importance of nutrition in general health care.

- h) All employees, except student interns, shall attend inservice training programs pertaining to their assigned duties at least annually. These programs shall include material regarding the facility's policies, skill training, and ongoing education carried out to enable all personnel to perform their duties effectively. The inservice training sessions regarding personal care, nursing and restorative services shall include material concerning prevention and treatment of decubitus ulcers. Inservice training concerning dietary services shall include material concerning effects of diet in treatment of various diseases or medical conditions and the importance of laboratory test results in determining therapeutic diets. Written records of program content and personnel attending each session shall be kept.

- i) Every facility shall have a current employee time schedule. This schedule shall contain the employee's name, job title, shift assignment, hours of work, and days off. The schedule shall be kept on file in the facility for one year after the week for which the schedule was used.

- j) Personnel policies shall include a plan to provide personnel coverage for regular staff when they are absent.
- k) Individual employee work performance evaluations shall be completed and maintained in the employee's file.
- l) The date and reason a person discontinues employment at the facility shall be noted in their file.

Section 340.1360 Initial Health Evaluation for Employees

- a) Each employee shall have an initial health evaluation, which shall be used to ensure that employees are not placed in positions that would pose undue risk of infection to themselves, other employees, residents, or visitors.
- b) The initial health evaluation shall include a health inventory. This inventory shall be obtained from the employee and shall include the employee's immunization status and any available history of conditions that would predispose the employee to acquiring or transmitting infectious diseases in the course of performing anticipated job functions. It shall include any history of exposure to, or treatment for, tuberculosis, any history of hepatitis, dermatologic conditions, chronic draining infections or open wounds.
- c) The initial health evaluation shall include a physical examination. The examination shall include at a minimum any procedures needed in order to:

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- 1) Detect any unusual susceptibility to infection and any conditions that would increase the likelihood of the transmission of disease to residents, other employees, or visitors; and
- 2) Determine that the employee appears to be physically able to perform the job functions that the facility intends to assign to the employee.
- d) The health inventory and physical examination shall be completed no more than 30 days prior to and no more than 30 days after the date of initial employment in the facility.
- e) The initial health evaluation shall include a tuberculin skin test, which is conducted in accordance with the requirements of Section 340.1520. The test shall be completed no more than 90 days prior to or commenced no more than ten days after the date of initial employment in the facility.

Section 340.1370 Administrator

- a) There shall be a full-time administrator licensed under the Nursing Home Administrators Licensing and Disciplinary Act for each licensed facility. The licensee will report any change of administrator to the Department, within five days.
- b) The administrator shall delegate in writing adequate authority to a person at least 18 years of age who is capable of acting in an emergency during his or her absence. Such administrative assignment shall not interfere with resident care and supervision. The administrator or the person designated by the administrator to be in charge of the facility in the administrator's absence shall be deemed by the Department to be the agent of the licensee for the purpose of Section 3-212 of the Act, which requires Department staff to provide the licensee with a copy of their report before leaving the facility.
- c) If the facility has an assistant administrator, the Department shall be informed of the name and dates of employment and termination of this person. This will provide documentation of service to qualify for a license under the Nursing Home Administrators Licensing and Disciplinary Act.

SUBPART C: RESIDENT RIGHTS

Section 340.1400 Implementation of Resident Rights and Facility Responsibilities

- a) The facility shall establish written policies and procedures to implement the responsibilities and rights provided in Article II of the Act, Resident Rights and Facility Responsibilities. The policies shall include the procedure for the investigation and resolution of resident complaints under the Act. The policies shall be clear and unambiguous and shall be available for inspection by any person. A summary of the policies and procedures, printed in not less than 12

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- b) The facility shall provide copies of these policies and procedures upon request to next of kin, sponsoring agencies, representative payees and the public.
- c) Each resident and resident's guardian or other person acting for the resident shall be given a written explanation, prepared by the office of the State Long Term Care Ombudsman of all the rights enumerated in Part I of Article II and in Part 4 of Article III of the Act at the time of admission to a facility or as soon thereafter as the condition of the resident permits, but in no event later than 48 hours after admission, and again at least annually thereafter. For residents of facilities participating in Title 18 or 19 of the Social Security Act, the explanation shall include an explanation of residents' rights enumerated in that act. If a resident is unable to read such written explanation, it shall be read to the resident in a language the resident understands. In the case of a minor or a person having a guardian or other person acting for him, both the resident and the parent, guardian or other person acting for the resident shall be fully informed of these rights and responsibilities. (Section 2-211 of the Act)
- d) The resident, resident's representative, guardian, or parent of a minor resident shall acknowledge in writing the receipt from the facility of a copy of all resident rights set forth in Article II of the Act and a copy of all facility policies implementing such rights.
- e) The facility shall ensure that its staff is familiar with and observes the rights and responsibilities enumerated in the Act and this Part. (Section 2-212 of the Act)

Section 340.1410 General

- a) No resident shall be deprived of any rights, benefits, or privileges guaranteed by law, the Constitution of the State of Illinois, or the Constitution of the United States solely on account of their status as a resident of a facility. (Section 2-101 of the Act)
- b) A resident shall be permitted the free exercise of religion. Upon a resident's request, and if necessary at his expense, the facility administrator shall make arrangements for a resident's attendance at religious services of the resident's choice. However, no religious beliefs or practices, or attendance at religious services, may be imposed upon any resident. (Section 2-109 of the Act)
- c) All facilities shall comply with the Election Code as it pertains to absentee voting for residents of licensed long-term care facilities.
- d) The facility shall immediately notify the resident's next of kin, representative and physician of the resident's death or when the resident's death appears to be imminent. (Section 2-208 of the Act)
- e) The facility shall also immediately notify the resident's family, guardian, representative, conservator and any private or public agency financially responsible for the resident's care whenever unusual

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circumstances such as accidents, sudden illness, disease, unexplained absences, extraordinary resident charges, billings, or related administrative matters arise.

- f) Where a resident, a resident's representative or a resident's next of kin believes that an emergency exists each or them, collectively or separately, may file a verified petition to the circuit court for the county in which the facility is located for an order placing the facility under the control or a receiver. (Section 3-503 of the Act) As used in section 3-503 of the Act, "emergency" mean a threat to the health, safety or welfare of a resident that the facility is unwilling or unable to correct. (Section 3-501 of the Act)
- g) The facility shall make reasonable efforts to prevent loss and theft of residents' property. Those efforts shall be appropriate to the particular facility and may, for example, include, but are not limited to, staff training and monitoring, labeling property, and frequent property inventories. (Section 2-103 of the Act)

Section 340.1420 Contract Between Resident and Facility

a) Contract Execution

- 1) Before a person is admitted to a facility, or at the expiration of the period of previous contract, or when the source of payment for the resident's care changes from private to public funds or from public to private funds, a written contract shall be executed between a licensee and the following in order of priority:
 - A) the person, or if the person is a minor, his parent or guardian; or
 - B) the person's guardian, if any, or agent, if any, as defined in section 2-3 of the Illinois power of attorney Act; or
 - C) a member of the person's immediate family. (Section 2-202(a) of the Act)
- 2) An adult person shall be presumed to have the capacity to contract for admission to a long-term care facility unless he has been adjudicated a "disabled person" within the meaning of Section 11A-2 of the "Probate Act of 1975", or unless a petition for such an adjudication is pending in a circuit court of Illinois. (Section 2-202(a) of the Act)
- 3) If there is no guardian, agent or member of the person's immediate family available, able or willing to execute the contract required by Section 2-202 of the Act and a physician determines that a person is so disabled as to be unable to consent to placement in a facility, or if a person has already been found to be a "disabled person", but no order has been entered allowing residential placement of the person, that person may be admitted to a facility before the execution of a contract required by Section 2-202 of the Act; provided that a petition for guardianship or for modification of guardianship is filed within 15 days of the person's admission to a facility and

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- provided further that such a contract is executed within ten days of the disposition of the petition. (Section 2-202(a) of the Act)
- 4) No adult shall be admitted to a facility if he objects, orally or in writing, to such admission, except as otherwise provided in Chapters III and IV of the "Mental Health and Developmental Disabilities Code", or Section 11A-14.1 of the "Probate Act of 1975". (Section 2-202(a) of the Act)
 - b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)."
 - c) Before a licensee enters a contract under Section 2-202 of the Act, it shall provide the prospective resident and his guardian, if any, with written notice of the licensee's policy regarding discharge of a resident whose private funds for payment of care are exhausted (Section 2-202(a) of the Act).
 - d) A resident shall not be discharged or transferred at the expiration of the term of a contract, except as provided in Sections 3-401 through 3-423 of the Act. (Section 2-202(b) of the Act)
 - e) At the time of the resident's admission to the facility, a copy of the contract shall be given to the resident, his guardian, if any, and any other person who executed the contract. (Section 2-202(c) of the Act)
 - f) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee.
 - g) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section. If any person other than the principal signatory is to be held individually responsible for payments due under the contract that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor."
 - h) The contract shall include a definition of "responsible party" or "guarantor" which describes in full the liability incurred by any such person.
 - i) A copy of the contract for a resident who is supported by nonpublic funds other than the resident's own funds shall be made available to the person providing the funds for the resident's support. (Section 2-202(d) of the Act)
 - j) The original or a copy of the contract shall be maintained in the facility and be made available upon request to representatives of the Department and the Department of Public Aid. (Section 2-202(e) of the Act)
 - k) The contract shall be written in clear and unambiguous language and shall be printed in not less than 12 point type. (Section 2-202(f) of the Act)
 - l) The contract shall specify the term or the contract. (Section 2-202(g)(1) of the Act) The term can be until a certain date or event. If a certain date is specified in the contract, an addendum can extend the term of the contract to another date certain or on a month-to-month basis.

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- m) The contract shall specify the services to be provided under the contract and the charges for the services. A paragraph shall itemize the services and products to be provided by the facility and express the cost of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee. (Section 2-202(g)(2) of the Act)
- n) The contract shall specify the services that may be provided to supplement the contract and the charges for the services. (Section 2-202(g)(3) of the Act)
- 1) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established in subsection (m) of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is executed then such additional cost shall be specified in the contract.
 - 2) If the cost of any itemized service or product to be provided by the facility or related institutions to the resident cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract.
- o) The contract shall specify the sources liable for payment due under the contract. (Section 2-202(g)(4) of the Act)
- p) The contract shall specify the amount of deposit paid. Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident and the contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the satisfaction of all such conditions the deposit shall be returned to the resident. If the deposit is nonrefundable the contract shall provide express notice of such nonrefundability. (Section 2-202(g)(5) of the Act)
- q) The contract shall specify the rights, duties and obligations of the resident, except that the specification of a resident's rights may be furnished on a separate document which complies with the requirements of section 2-211 of the Act. (Section 2-202(g)(6) of the Act)
- r) The contract shall designate the name of the resident's representative, if any. The resident shall provide the facility with a copy of the written agreement between the resident and the resident's representative which authorizes the resident's representative to inspect and copy the resident's records and authorized the resident's representative to execute the contract on

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- behalf of the resident required by Section 2-202 of the Act. (Section 2-202(h) of the Act)
- s) The contract shall provide that if the resident is compelled by a change in physical or mental health to leave the facility, the contract and all obligations under it shall terminate on seven days notice. No prior notice or termination of the contract shall be required, however, in the case of a resident's death. The contract shall also provide that in all other situations, a resident may terminate the contract and all obligations under it with 30 days notice. All charges shall be prorated as of the date on which the contract terminates, and, if any payments have been made in advance, the excess shall be refunded to the resident. This provision shall not apply to life care contracts through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life nor to continuing-care contracts through which a facility agrees to supplement all available forms of financial support in providing maintenance and care for resident throughout the remainder of the resident's life. (Section 2-202(i) of the Act)
- t) All facilities which offer to provide a resident with nursing services, medical services or personal care services, in addition to maintenance services, conditioned upon the transfer of an entrance fee to the provider of such services in addition to or in lieu of the payment of regular periodic charges for the care and services involved, for a term in excess of one year or for life pursuant to a life care contract, shall meet all of the provisions of the Life Care Facilities Act (111. Rev. Stat. 1991, ch. 111 1/2, par. 4161-1 et seq.) [210 ILCS 40] as now or hereafter amended, including the obtaining of a permit from the Department, before they may enter into such contracts. (Section 2(c) of the Life Care Facilities Act)
- u) In addition to all other contract specifications contained in this section, admission contracts shall also specify:
- 1) whether the facility accepts Medicaid clients;
 - 2) whether the facility requires a deposit of the resident or his family prior to the establishment of Medicaid eligibility;
 - 3) in the event that a deposit is required, a clear and concise statement of the procedure to be followed for the return of such deposit to the resident or the appropriate family member or guardian of the person;
 - 4) that all deposits made to a facility by a resident, or on behalf of a resident, shall be returned by the facility within 30 days of the establishment of Medicaid eligibility, unless such deposits must be drawn upon or encumbered in accordance with Medicaid eligibility requirements established by the Illinois Department of Public Aid. (Section 2-202(j) of the Act)
- v) It shall be a business offense for a facility to knowingly and intentionally both retain a resident's deposit and accept Medicaid payments on behalf of the resident. (Section 2-202(k) of the Act)

Section 340.1430 Residents' Advisory Council

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- a) Each facility shall establish a residents' advisory council consisting of at least five resident members. If there are not five residents capable of functioning on the residents' advisory council, as determined by the Interdisciplinary Team, residents' representatives shall take the place of the required number of residents. The administrator shall designate a member of the facility staff to coordinate the establishment of, and render assistance to, the council. (Section 2-203 of the Act)
- b) The resident members shall be elected to the council by vote of their fellow residents, and the nonresident members shall be elected to the council by vote of the resident members of the council.
- c) All residents' advisory council meetings shall be open to participation by all residents and by their representatives.
- d) No employee or affiliate of a facility shall be a member of any council. Such persons may attend to discuss interests or functions of the non-members when invited by members of the residents' advisory council. (Section 2-203(a) of the Act)
- e) The council shall meet at least once each month with the staff coordinator who shall provide assistance to the council in preparing and disseminating a report of each meeting to all residents, the administrator and the staff. (Section 2-203(b) of the Act)
- f) Records of the council meetings shall be maintained in the office of the administrator. (Section 2-203(c) of the Act)
- g) The residents' advisory council may communicate to the administrator the opinions and concerns of the residents. The council shall review procedures for implementing resident rights and facility responsibilities and made recommendations for changes or additions which will strengthen the facility's policies and procedures as they affect residents' rights and facility responsibilities. (Section 2-203(d) of the Act)
- h) The council shall be a forum for:
 - 1) Obtaining and disseminating information;
 - 2) Soliciting and adopting recommendations for facility programming and improvements;
 - 3) Early identification of problems;
 - 4) Recommending orderly resolution of problems. (Section 2-203(e) of the Act)
- i) The council may present complaints on behalf of a resident to the Department, the Long-Term Care Facility Advisory Board created by Section 2-204 of the Act, or to any other person it considers appropriate. (Section 2-203(f) of the Act)

Section 340.1440 Abuse and Neglect

- a) An owner, licenses, administrator, employee or agent of a facility shall not abuse or neglect a resident. (Section 2-107 of the Act)
- b) A facility employee or agent who becomes aware of abuse or neglect of a resident shall immediately report the matter to the facility administrator. (Section 3-610 of the Act)

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- c) A facility administrator who becomes aware of abuse or neglect of a resident shall immediately report the matter by telephone and in writing to the resident's representative. (Section 3-610 of the Act)
- d) A facility administrator, employee, or agent who becomes aware of abuse or neglect of a resident shall also report the matter to the Department. (Section 3-610 of the Act)
- e) Employee as perpetrator or abuse. When an investigation of a report of suspected abuse of a resident indicates, based upon credible evidence, that an employee of a long-term care facility is the perpetrator of the abuse, that employee shall immediately be barred from any further contact with residents of the facility, pending the outcome of any further investigation, prosecution or disciplinary action against the employee. (Section 3-611 of the Act)
- f) Resident as perpetrator or abuse. When an investigation of a report of suspected abuse of a resident indicates, based upon credible evidence, that another resident of the long-term care facility is the perpetrator of the abuse, that resident's condition shall be immediately evaluated to determine the most suitable therapy and placement for the resident, considering the safety of that resident as well as the safety of other residents and employees of the facility. (Section 3-612 of the Act)

Section 340.1450 Communication and Visitation

- a) Every resident shall be permitted unimpeded, private and uncensored communication of his choice by mail, public telephone or visitation. (Section 2-108 of the Act)
- b) The facility administrator shall ensure that correspondence is conveniently received and mailed, and that telephones are reasonably accessible. (Section 2-108(a) of the Act)
- c) The facility administrator shall ensure that residents may have private visits at any reasonable hour unless such visits are not medically advisable for the resident as documented in the resident's clinical record by the resident's physician. (Section 2-108(b) of the Act)
- d) The facility shall allow daily visiting at least between 10 A.M. and 8 P.M. Visiting hours shall be posted in plain view of visitors.
- e) The facility administrator shall ensure that space for visits is available and that facility personnel knock, except in an emergency, before entering any resident's room. (Section 2-108(c) of the Act)
- f) Unimpeded, private and uncensored communication by mail, public telephone, and visitation may be reasonably restricted by a physician only in order to protect the resident or others from harm, harassment or intimidation provided that the reason for any such restriction is placed in the resident's clinical record by the physician and that notice of probable causes of such restriction shall be given to all residents upon admission. (Section 2-108(d) of the Act)
- g) Notwithstanding subsection (f) of this Section, all letters addressed by a resident to the Governor, members of the General Assembly,

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Attorney General, judges, state's attorneys, officers of the Department, or licensed attorneys at law shall be forwarded at once to the persons to whom they are addressed without examination by facility personnel. Letters in reply from the officials and attorneys mentioned above shall be delivered to the resident without examination by facility personnel. (Section 2-108(d) of the Act)

h) Any employee or agent of a public agency, any representative of a community legal services program or any member of the general public shall be permitted access at reasonable hours to any individual resident or any facility, but only if there is neither a commercial purpose nor effect to such access and if the purpose is to do any other the following:

- 1) Visit, talk with and make personal, social, and legal services available to all residents;
- 2) Inform residents of their rights and entitlements and their corresponding obligations, under federal and state laws, by means of educational materials and discussions in groups and with individual residents;
- 3) Assist residents in asserting their legal rights regarding claims for public assistance, medical assistance and social security benefits, as well as in all other matters in which residents are aggrieved. Assistance may include counseling and litigation; or
- 4) Engage in other methods of asserting, advising and representing residents so as to extend to them full enjoyment of their rights.

(Section 2-110(a) of the Act)

- i) All persons entering a facility under subsection (h) of this Section shall promptly notify appropriate facility personnel of their presence. They shall, upon request, produce identification to establish their identity. No person shall enter the immediate living area of any resident without first identifying himself and then receiving permission from the resident to enter. The rights of other residents present in the room shall be respected. (Section 2-110(b) of the Act)

- j) A resident may terminate at any time a visit by a person having access to the residents living area. (Section 2-110(b) of the Act)

Section 340.1460 Resident's Funds

- a) A resident shall be permitted to manage his own financial affairs unless he or his guardian or if the resident is a minor, his parent, authorizes the administrator of the facility in writing to manage such resident's financial affairs under subsections (b) through (o) of this Section. (Section 2-102 of the Act)
- b) The facility shall at the time of admission, provide, in order of priority, each resident, or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, with a written statement explaining to the resident and to the resident's spouse their spousal impoverishment rights, as defined at Section 5-4 of the Illinois Public Aid Code, as now and

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hereafter amended, and at Section 303 of Title II of the Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360), and the resident's rights regarding personal funds and listing the services for which the resident will be charged, and obtain a signed acknowledgment from each resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, that such person has received the statement. (Section 2-201(1) of the Act)

- c) The facility may accept funds from a resident for safekeeping and managing, if it receives written authorization from, in order of priority, the resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any; such authorization shall be attested to by a witness who has no pecuniary interest in the facility or its operations, and who is not connected in any way to facility personnel or the administrator in any manner whatsoever. (Section 2-201(2) of the Act)
- d) The facility shall maintain and allow, in order of priority, each resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, access to a written record of all financial arrangements and transactions involving the individual resident's funds. (Section 2-201(3) of the Act)
- e) The facility shall provide, in order of priority, each resident, or any, or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, with a written itemized statement at least quarterly, of all financial transactions involving the resident's funds. (Section 2-201(4) of the Act)
- f) The facility shall purchase a surety bond or otherwise provide assurance satisfactory to the Departments of Public Health and Insurance that all residents' personal funds deposited with the facility are secure against loss, theft, and insolvency. (Section 2-201(5) of the Act)

- 1) If a surety bond is secured, it must be issued by a company licensed to do business in Illinois, the amount of bond must be equal to or greater than all resident funds managed by the facility, and the obligee named in the bond must be the Illinois Department of Public Health or its assignee.

- 2) If an alternative to a surety bond is secured, the alternative must provide a protection equivalent to that afforded by a surety bond. To be acceptable, the alternative must have a person(s) or entity(ies) designated who can collect in case of loss (e.g., residents, the Department). The alternative must also provide a guarantee that lost funds will be repaid. The guarantee may be made either by an independent entity (e.g., a bank) or the facility. If the facility provides the guarantee, it must be backed by facility money at least equal to resident funds. This money must be reserved solely for the purpose of assuring the security of resident funds. Two examples of acceptable alternatives to surety bonds are letters of credit and

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self-insurance. Both surety bonds and alternatives must protect the full amount of residents' funds deposited with the facility.

- 3) Any alternative to a surety bond shall be submitted to the Department for review and approval.

g) The facility shall keep any funds received from a resident for safekeeping in an account separate from the facility's funds, and shall at no time withdraw any part or all of such funds for any purpose other than to return the funds to the resident upon the request of the resident or any other person entitled to make such request, to pay the resident his allowance, or to make any other payment authorized by the resident or any other person entitled to make such authorization. (Section 2-201(6) of the Act)

h) The facility shall deposit any funds received from a resident in excess of \$100 in an interest bearing account insured by agencies of, or corporations chartered by, the State or Federal government. The account shall be in a form which clearly indicates that the facility has only a fiduciary interest in the funds and any interest from the account shall accrue to the resident. (Section 2-201(7) of the Act)

i) The facility may keep up to \$100 of a resident's money in a non-interest bearing account or petty cash fund, to be readily available for the resident's current expenditures. (Section 2-201(7) of the Act)

j) The facility shall return to the resident, or the person who executed the written authorization required in subsection (c) of this Section, upon written request, all or any part of the resident's funds given the facility for safekeeping, including the interest accrued from deposits. (Section 2-201(8) of the Act)

k) The facility shall place any monthly allowance to which a resident is entitled in that resident's personal account, or give it to the resident, unless the facility has written authorization from the resident or the resident's guardian, or if the resident is a minor, his parent, to handle it differently. The facility shall take all steps necessary to ensure that a personal needs allowance that is placed in a resident's personal account is used exclusively by the resident or for the benefit of the resident, and where such funds are withdrawn from the resident's personal account by any person other than the resident, require such person to whom funds constituting any part of a resident's personal needs allowance are released, to execute an affidavit that such funds shall be used exclusively for the benefit of the resident. (Section 2-201(9)(a) of the Act) "Personal needs allowance", for the purposes of this subsection, refers to the monthly allowance allotted by the Illinois Department of Public Aid to public aid recipients.

l) Unless otherwise provided by State law, the facility shall upon the death of a resident provide the executor or administrator of the resident's estate with a complete accounting of all the resident's personal property, including any funds of the resident being held by the facility. (Section 2-201(10) of the Act)

m) If an adult resident is incapable of managing his funds and does not

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have a resident's representative, guardian, or an immediate family member, the facility shall notify the Office of the State Guardian of the Guardianship and Advocacy Commission. (Section 2-201(11) of the Act)

n) If the facility is sold, the seller shall provide the buyer with a written verification by a public accountant of all residents' monies and properties being transferred, and obtain a signed receipt from the new owner. (Section 2-201(12) of the Act)

Section 340.1470 Transfer or Discharge

a) A resident may be voluntarily discharged from a facility after he gives the administrator, a physician, or a nurse of the facility written notice of his desire to be discharged. If a guardian has been appointed for a resident or if the resident is a minor, the resident shall be discharged upon written consent of his guardian or if the resident is a minor, his parent unless there is a court order to the contrary. In such cases, upon the resident's discharge, the facility is relieved from any responsibility for the resident's care, safety or well-being. (Section 2-111 of the Act)

b) A facility may involuntarily transfer or discharge a resident only for one or more the following reasons:

- 1) for medical reasons;
- 2) for the resident's physical safety;
- 3) for the physical safety of other residents, the facility staff or facility visitor; or
- 4) for either late payment or nonpayment for the resident's stay,

except as prohibited by Title XVIII and XIX of the Federal Social Security Act. For purposes of this Section, "Late Payment" means non-receipt of payment after submission of a bill. If payment is not received within 45 days after submission of a bill, the facility may send a notice to the resident and responsible party requesting payment within 30 days. If payment is not received within such 30 days, the facility may thereupon institute transfer or discharge proceedings by sending a notice of transfer or discharge to the resident and responsible party by registered or certified mail. The notice shall state, in addition to the requirements of Section 3-403 of the Act and subsection (e) of this Section, that the responsible party has the right to pay the amount of the bill in full up to the date the transfer or discharge is to be made and then the resident shall terminate the transfer or discharge proceedings. This subsection does not apply to those residents whose care is provided under the Illinois Public Aid Code. (Section 3-401 of the Act)

c) A facility participating in the Medical Assistance Program is prohibited from failing or refusing to retain as a resident any person because the resident is a recipient of or an applicant for the Medical Assistance Program. For the purposes of this Section, a recipient or

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applicant shall be considered a resident in the facility during any hospital stay totaling ten days or less following a hospital admission. The day on which a resident is discharged from the facility and admitted to the hospital shall be considered the first day of the ten-day period. (Section 3-401.1(a) of the Act)

- d) Involuntary transfer or discharge of a resident from a facility shall be preceded by the discussion required under Section 3-408 of the Act and subsection (j) of this Section and by a minimum written notice of 21 days. The 21-day requirement shall not apply in any of the following instances:

- 1) When an emergency transfer or discharge is ordered by the resident's attending physician because of the resident's health care needs; (Section 3-402(a) of the Act)
 - 2) When the transfer or discharge is mandated by the physical safety of other residents, the facility staff, or facility visitors as documented in the clinical record. (Section 3-402(b) of the Act)
- e) The notice required by Section 3-402 of the Act and subsection (d) of this Section shall be on a form prescribed by the Department and shall contain all of the following:

- 1) The stated reason for the proposed transfer or discharge; (Section 3-403(a) of the Act)
 - 2) The effective date of the proposed transfer or discharge; (Section 3-403(b) of the Act)
 - 3) A statement in not less than 12-point type, which reads: "You have a right to appeal the facility's decision to transfer or discharge you. If you think you should not have to leave this facility, you may file a request for a hearing with the Department of Public Health within ten days after receiving this notice. If you request a hearing, it will be held not later than ten days after your request, and you generally will not be transferred or discharged during that time. If the decision following the hearing is not in your favor, you generally will not be transferred or discharged prior to the expiration of 30 days following receipt of the original notice of the transfer or discharge. A form to appeal the facility's decision and to request a hearing is attached. If you have any questions, call the Department of Public Health at the telephone number listed below." (Section 3-403(c) of the Act)
 - 4) A hearing request form, together with a postage paid, preaddressed envelope to the Department; and (Section 3-403(d) of the Act)
 - 5) The name, address, and telephone number of the person charged with the responsibility of supervising the transfer or discharge. (Section 3-403(e) of the Act)
- f) A request for a hearing made under Section 3-403 of the Act and subsection (e) of this Section shall stay a transfer pending a hearing or appeal of the decision, unless a condition which would have allowed transfer or discharge in less than 21 days as described under subsections (d)(1) and (2) of this Section develops in the interim.

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- (Section 3-404 of the Act)

- g) A copy of the notice required by Section 3-402 of the Act and subsection (d) of this Section shall be placed in the resident's clinical record and a copy shall be transmitted to the Department, the resident, the resident's representative, and, if the resident's care is paid for in whole or part through Title XIX, to the Department of Public Aid. (Section 3-405 of the Act)
- h) When the basis for an involuntary transfer or discharge is the result of an action by the Department of Public Aid with respect to a recipient of Title XIX and a hearing request is filed with the Department of Public Aid, the 21-day written notice period shall not begin until a final decision in the matter is rendered by the Department of Public Aid or a court of competent jurisdiction and notice of that final decision is received by the resident and the facility. (Section 3-406 of the Act)
- i) When nonpayment is the basis for involuntary transfer or discharge, the resident shall have the right to redeem up to the date that the discharge or transfer is to be made and then shall have the right to remain in the facility. (Section 3-407 of the Act)
- j) The planned involuntary transfer or discharge shall be discussed with the resident, the resident's representative and person or agency responsible for the resident's placement, maintenance, and care in the facility. The explanation and discussion of the reasons for involuntary transfer or discharge shall include the facility administrator or other appropriate facility representative as the administrator's designee. The content of the discussion and explanation shall be summarized in writing and shall include the names of the individuals involved in the discussions. This summary shall be made a part of the resident's clinical record. (Section 3-408 of the Act)
- k) The facility shall offer the resident counseling services before the transfer or discharge of the resident. (Section 3-409 of the Act)
- l) A resident subject to involuntary transfer or discharge from a facility, the resident's guardian or if the resident is a minor, his parent shall have the opportunity to file a request for a hearing with the Department within ten days following receipt of the written notice of the involuntary transfer or discharge by the facility. (Section 3-410 of the Act)
- m) The Department of Public Health, when the basis for involuntary transfer or discharge is other than action by the Department of Public Aid with respect to the Title XIX Medicaid recipient, shall hold a hearing at the resident's facility not later than ten days after a hearing request is filed, and render a decision within 14 days after the filing of the hearing request. (Section 3-411 of the Act)
- n) The hearing before the Department provided under Section 3-411 of the Act and subsection (m) of this Section shall be conducted as prescribed under Sections 3-703 through 3-712 of the Act. In determining whether a transfer or discharge is authorized, the burden of proof in this hearing rests on the person requesting the transfer

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- or discharge. (Section 3-412 of the Act)
- o) If the Department determines that a transfer or discharge is authorized under Section 3-401 of the Act and subsection (b) of this Section, the resident shall not be required to leave the facility before the 34th day following receipt of the notice required under Section 3-402 of the Act and subsection (c) of this Section, or the tenth day following receipt of the Department's decision, whichever is later, unless a condition which would have allowed transfer or discharge in less than 21 days as described under Section 3-402 of the Act and subsections (d)(1) and (2) of this Section develops in the interim. (B) (Section 3-413 of the Act)
- p) The Department of Public Aid shall continue Title XIX Medicaid funding during the appeal, transfer, or discharge period for those residents who are Title XIX recipients affected by Section 3-402 of the Act and subsection (c) of this Section. (Section 3-414 of the Act)
- q) Any owner of a facility licensed under this Act shall give 90 days notice prior to voluntarily closing a facility or closing any part of a facility, or prior to closing any part of a facility if closing such part will require the transfer or discharge of more than ten percent of the residents. Such notice shall be given to the Department, to any resident who must be transferred or discharged, to the resident's representative, and to a member of the resident's family, where practicable. Notice shall state the proposed date of closing and the reason for closing. The facility shall offer to assist the resident in securing an alternative placement and shall advise the resident on available alternatives. Where the resident is unable to choose an alternate placement and is not under guardianship, the Department shall be notified of the need for relocation assistance. The facility shall comply with all applicable laws and regulations until the date of closing, including those related to transfer or discharge of residents. (Section 3-423 of the Act)

Section 340.1480 Complaint Procedures

- a) The facility shall develop procedures for investigating complaints concerning theft of resident's property and shall promptly investigate all such complaints. (Section 2-103 of the Act)
- b) A resident shall be permitted to present grievances on behalf of himself and others to the administrator, the long-term care facility advisory board, the residents' advisory council, state governmental agencies or other persons without threat of discharge or reprisal in any form or manner whatsoever. (Section 2-212 of the Act)
- c) The facility administrator shall provide all residents or their representatives with the name, address, and telephone number of the appropriate state governmental office where complaints may be lodged. (Section 2-212 of the Act)
- d) A person who believes that the Act or a rule promulgated under the Act may have been violated may request an investigation. The request may be submitted to the Department in writing, by telephone, or by

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- personal visit. *An oral complaint shall be reduced to writing by the Department.* (Section 3-702(a) of the Act)
- e) The facility shall provide for the registration and disposition of complaints without threat of discharge or other reprisal against any employee or resident.

SUBPART D: HEALTH SERVICES

Section 340.1500 Medical Care Policies

- a) The facility shall have a written program of medical services approved in writing by the advisory physician, which reflects the philosophy of care provided, the policies relating to this philosophy, and the procedures for implementation of the services. The program shall include the entire complex of services provided by the facility and the arrangements to effect transfer to other facilities as promptly as needed. The written program of medical services shall be followed in the operation of the facility.
- b) Each resident admitted shall have a physical examination, within five days prior to admission or within 72 hours after admission. The examination report shall include at a minimum each of the following:
- 1) An evaluation of the resident's condition, including height and weight, diagnoses, plan of treatment, recommendations, treatment orders, personal care needs, and permission for participation in activity programs as appropriate.
 - 2) Documentation of the presence or absence of tuberculosis infection by tuberculin skin test in accordance with Section 340.1520.
 - 3) Documentation of the presence or absence of incipient or manifest decubitus ulcers (commonly known as bed sores), with grade, size and location specified, and orders for treatment, if present. (A photograph of incipient or manifest decubitus ulcers is recommended on admission.)
 - 4) Orders from the physician regarding weighing of the resident, and the frequency of such weighing, if ordered.
- c) The facility shall notify the resident's physician of any accident, injury, or significant change in a resident's condition that threatens the health, safety or welfare of a resident, including, but not limited to, the presence of incipient or manifest decubitus ulcers or a weight loss or gain of five percent or more within a period of 30 days. The facility shall obtain and record the physician's plan of care for the care or treatment of such accident, injury or change in condition at the time of notification.
- d) At the time of an accident or injury, immediate treatment shall be provided by personnel trained in first aid procedures.
- e) All medical treatment and procedures shall be administered as ordered by a physician. All new physician orders shall be reviewed by the facility's director of nursing or charge nurse designee within 24 hours after such orders have been issued to assure facility compliance

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- with such orders. (Section 2-104(b) of the Act)
- f) Every resident shall be permitted to refuse medical treatment and to know the consequences of such action, unless such refusal would be harmful to the health and safety of others and such harm is documented by a physician in the resident's clinical record. (Section 2-104(c) of the Act)
- g) All residents shall be permitted to participate in the planning of their total care and medical treatment to the extent that their condition permits. (Section 2-104(a) of the Act)
- h) No resident shall be subjected to experimental research or treatment without first obtaining his informed, written consent. The conduct of any experimental research or treatment shall be authorized and monitored by an institutional review committee appointed by the administrator of the facility where such research and treatment is conducted. Any facility desiring to conduct an experimental program or do research that is in conflict with this Part shall submit a written request to the Department and secure prior approval. Such approval will be granted only if the request will not create an unnecessary and unusual threat to the health, welfare, safety or rights of residents or staff. (Section 2-104(a) of the Act)
- i) All residents shall be permitted respect and privacy in their medical and personal care program. Every resident's case discussion, consultation, examination and treatment shall be confidential and shall be conducted discreetly, and those persons not directly involved in the resident's care must have the resident's permission to be present. (Section 2-105 of the Act)

Section 340.1510 Communicable Disease Policies

- a) The administrator shall assume the responsibility for meeting the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) so that there is a minimum danger of transmission of contagious, infectious, or communicable diseases.
- b) A resident with a communicable, contagious or infectious disease shall not be admitted knowingly, except as allowed in subsection (d) of this Section. An individual, when suspected or diagnosed as having any such disease, after admission, shall be placed in isolation, if required, in accordance with the Department's rules entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) until isolation can be discontinued or the person transferred.
- c) All illnesses required to be reported under the rules of the Department of Public Health entitled "Control of Communicable Diseases Code" (77 Ill. Adm. Code 690) and "Control of Sexually Transmissible Diseases Code" (77 Ill. Adm. Code 693) shall be reported immediately to the local health department and to the Department. The administrator shall furnish all pertinent information relating to such occurrences. In addition, the Department shall also be informed of all Scabies and other skin infestations.
- d) Admissions of Persons with Communicable, Contagious, or Infectious

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Diseases.

- 1) Persons with communicable, contagious, or infectious diseases may be admitted under the following conditions:
- A) When a person's infectious condition is directly related to one or more chronic decubital ulcers, from which laboratory tests have proven the presence of a pathogenic organism. Such a resident may be admitted when the facility is capable of implementing appropriate treatment and isolation techniques, to avoid secondary spread of infection.
- B) When a person's condition is communicable, contagious, or infectious only through blood or other body fluid contact, such as hepatitis, acquired immunodeficiency syndrome (AIDS), AIDS-related complex (ARC), or human immunodeficiency virus (HIV) infection.
- 2) The facility shall notify the Department no later than five working days after the date of the admission of any person with a communicable, contagious, or infectious condition under subsection (d)(1) of this Section. The notice to the Department shall include at least the date of the admission and the nature of the condition.
- 3) Permission to admit or keep a person with other communicable, contagious, or infectious diseases may be approved by the Department on an individual case basis. Such approval will be dependent upon the nature of the infectious condition or disease and the capability of the facility to provide proper care to the person and to adequately safeguard the staff and other residents of the facility from the spread of primary and secondary infections.

Section 340.1520 Tuberculin Skin Test Procedures

Tuberculin skin tests for employees and residents shall be conducted in accordance with the requirements in this Section.

- a) Where there is documentation for an employee or resident of previous significant skin test reaction and previous treatment for tuberculosis, no skin test is required. The facility shall retain such documentation of testing and treatment in the employee's personnel record or the resident's medical record.
- b) The tuberculin skin test shall consist of five tuberculin units of purified protein derivative administered intradermally using the Mantoux method.
- c) A significant reaction shall be considered to exist when either of the following conditions are present:
- 1) There is an area of induration ten mm or more in diameter; or
 - 2) There is an area of induration five mm or more in diameter and the attending physician or local health authority suspect tuberculosis on the basis of disease or exposure.
- d) If the first test is nonsignificant, a second test shall be given at least one week, but no more than three weeks, after the first test.

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- e) If the first or second test reaction is significant, or if active tuberculosis is suspected at any time, the attending physician or local health authority shall order any further examinations and treatment that are considered necessary, such as x-rays, cultures, or sputum smears.

Section 340.1530 Physician Services

- a) A resident shall be permitted to retain the services of his own personal physician at his own expense under an individual or group plan of health insurance, or under any public or private assistance program providing such coverage. (Section 2-104(a) of the Act)
- b) The Department shall not prescribe the course of medical treatment provided to an individual resident by the resident's physician in a facility. (Section 2-104(a) of the Act)
- c) The services of a physician licensed to practice medicine in Illinois shall be available to every resident of the facility.
- d) All residents shall be seen by their physician as often as necessary to assure adequate health care.
- e) All residents shall be permitted to obtain from their own physician or the physician attached to the facility complete and current information concerning his medical diagnosis, treatment and prognosis in terms and language the resident can reasonably be expected to understand. (Section 2-104(a) of the Act)
- f) All physician orders, plans of medical treatment, Medicare/Medicaid Certification and recertification statements must have the original written signature of the physician. The use of a physician's rubber stamp signature with or without initials is not acceptable.

Section 340.1540 Life-Sustaining Treatments

- a) Every facility shall respect the residents' right to make decisions relating to their own medical treatment, including the right to accept, reject, or limit life-sustaining treatment. Every facility shall establish a policy concerning the implementation of such rights. Included within this policy shall be:
- 1) implementation of Living Wills or Powers of Attorney for Health Care in accordance with the Living Will Act (Ill. Rev. Stat. 1991, ch. 110 1/2, pars. 701 et seq.) [755 ILCS 35] and the Powers of Attorney for Health Care Law (Ill. Rev. Stat. 1991, ch. 110 1/2, pars. 804-1 et seq.) [755 ILCS 45/Art. IV];
 - 2) the implementation of physician orders limiting resuscitation such as those commonly referred to as "Do-Not-Resuscitate" orders. This policy may only prescribe the format, method of documentation and duration of any physician orders limiting resuscitation. Any orders under this policy shall be honored by the facility; (Section 2-104.2 of the Act)
 - 3) procedures for providing life-sustaining treatments available to residents at the facility;

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- 4) procedures detailing staff's responsibility with respect to the provision of life-sustaining treatment when a resident has chosen to accept, reject, or limit life-sustaining treatment, or when a resident has failed or has not yet been given the opportunity to make these choices;
- 5) procedures for educating both direct and indirect care staff in the application of those specific provisions of the policy for which they are responsible.
- b) For the purposes of this Section:
- 1) "Agent" means a person acting under a Health Care Power of Attorney in accordance with the Powers of Attorney for Health Care Law;
 - 2) "Life-sustaining treatment" means any medical treatment, procedure, or intervention that, in the judgement of the attending physician, when applied to a resident, would serve only to prolong the dying process. Those procedures can include, but are not limited to, cardiopulmonary resuscitation (CPR), assisted ventilation, renal dialysis, surgical procedures, blood transfusions, and the administration of drugs, antibiotics, and artificial nutrition and hydration. Those procedures do not include performing the Heimlich maneuver or clearing the airway, as indicated;
 - 3) "Surrogate" means a surrogate decision maker acting in accordance with the Health Care Surrogate Act (Ill. Rev. Stat. 1991, ch. 110 1/2, pars. 851-1 et seq.) [755 ILCS 40].
- c) Within 30 days of admission for new residents, and within one year of the effective date of this Section for all residents who were admitted prior to the effective date of this Section, residents, agents, or surrogates shall be given written information describing the facility's policies required by this Section and shall be given the opportunity to:
- 1) execute a Living Will or Power of Attorney for Health Care in accordance with State law, if they have not already done so; and/or
 - 2) decline consent to any or all of the life-sustaining treatments available at the facility.
- d) Any decision made by a resident, an agent, or a surrogate pursuant to subsection (c) above must be recorded in the resident's medical record. Any subsequent changes or modifications must also be recorded in the medical record.
- e) The facility shall honor all decisions made by a resident, an agent, or a surrogate pursuant to subsection (c) above and may not discriminate in the provision of health care on the basis of such decision or will transfer care in accordance with the Living Will Act, the Powers of Attorney for Health Care Law, the Health Care Surrogate Act or the Right of Conscience Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 5301 et seq.) [745 ILCS 70].
- f) The resident, agent, or surrogate may change his or her decision regarding life-sustaining treatments by notifying the treating

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facility of this decision change orally or in writing in accordance with State law.

g) The physician shall confirm the resident's choice by writing appropriate orders in the patient record or will transfer care in accordance with the Living Will Act, the Powers of Attorney for Health Care Law, the Health Care Surrogate Act or the Right of Conscience Act.

h) If no choice is made pursuant to subsection (c) above, and in the absence of any physician's order to the contrary, then the facility's policy with respect to the provision of life-sustaining treatment shall control until and if such a decision is made by the resident, agent, or surrogate in accordance with the requirements of the Health Care Surrogate Act.

Section 340.1550 Obstetrical and Gynecological Care

Every woman resident of child-bearing age shall receive routine obstetrical and gynecological evaluations as well as necessary prenatal care. (Section 2-104(b) of the Act) In addition, women residents should be referred immediately for diagnosis whenever pregnancy is suspected.

a) "Routine obstetrical evaluations" and "necessary prenatal care" shall include, as a minimum, the following:

- 1) Early diagnosis of pregnancy.
- 2) A comprehensive health history, including menstrual history, data on the current pregnancy that allow the physician to estimate the date of delivery.
- 3) Identification of factors in the current pregnancy that help to identify the patient at high risk, such as maternal age, vaginal bleeding, edema, urinary infection, exposure to radiation and chemicals, ingestion of drugs and alcohol, and use of tobacco.
- 4) A comprehensive physical examination, including an evaluation of nutritional status; determination of height, weight and blood pressure; examination of the head, breasts, heart, lungs, abdomen, pelvis, rectum, and extremities.
- 5) The following laboratory tests, as early in pregnancy as possible. Findings obtained from the history and physical examination may determine the need for additional laboratory evaluations:
 - A) Hemoglobin or hematocrit measurement;
 - B) Urinalysis, including microscopic examination or culture;
 - C) Blood group and Rh type determination;
 - D) Antibody screen;
 - E) Rubella antibody titer measurement;
 - F) Syphilis screen;
 - G) Cervical cytology;
 - H) Viral hepatitis (HBsAg) testing.
- 6) A risk assessment, which, based on the findings of the history and physical examination, should indicate any risk factors that may require special management, such as cardiovascular disease,

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maternal age less than 15 years or more than 35 years, neurologic disorder, or congenital abnormalities.

7) Return visits, the frequency of which will be determined by the resident's needs and risk factors. Generally a woman with an uncomplicated pregnancy should be seen every 4 weeks for the first 28 weeks of pregnancy, every 2-3 weeks until 36 weeks of gestation, and weekly thereafter.

8) The physical examination at each visit should include determinations of blood pressure, measured fundal height, fetal heart rate, and, in later months, fetal presentation, and urinalysis for albumin and glucose. Hemoglobin or hematocrit level should be measured again early in the third trimester. Glucose screening is recommended for women who are 30 years of age or older.

9) Evaluation and monitoring of nutritional status and habits.

10) Education for health promotion and maintenance.

11) Counseling concerning exercise and childbirth education programs.

12) Postpartum review and evaluation 4-8 weeks after delivery, including determination of weight and blood pressure and assessment of status of breasts, abdomen, and external and internal genitalia.

b) "Routine gynecological evaluations" shall include, as a minimum, the following:

- 1) An initial examination, the basic components of which are:
 - A) History; any present illnesses; menstrual, reproductive, medical surgical, emotional, social, family, and sexual history; medications; allergies; family planning; and systems review.
 - B) Physical examination, including height, weight, nutritional status, and blood pressure; head and neck, including thyroid gland; heart; lungs; breasts; abdomen; pelvis, including external and internal genitalia; rectum; extremities, including signs of abuse; lymph nodes.
 - C) Laboratory tests, including urine screen; hemoglobin or hematocrit determination and, if indicated, complete blood cell count; cervical cytology; rubella titer.
- 2) Annual updates:
 - A) History, including the purpose of the visit; menstrual history; interval history, including systems review; emotional history.
 - B) Physical examination, including weight, nutritional status and blood pressure; thyroid gland; breasts; abdomen; pelvis, including external and internal genitalia; rectum; other areas as indicated by the interval history.
 - C) Laboratory, including urine screen; cervical cytology, unless not indicated; hemoglobin or hematocrit determinations.
 - D) Additional laboratory tests, such as screening for sexually transmitted disease, should be performed as warranted by the

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- history, physical findings, and risk factors.
- 3) Cancer screening:
 - A) An annual Pap test for all women who are or have been sexually active or have reached age 18.
 - B) Mammography if indicated.
 - c) When a resident is referred for a diagnosis of pregnancy and/or prenatal care, the facility shall send the provider a copy of the resident's medical record, including a list of prescription medications taken by the resident; if known, the use of alcohol, tobacco and illicit drugs; or exposure to radiation or chemicals during the preceding three months.

Section 340.1560 Nursing Personnel

- a) There shall be sufficient number of nursing and auxiliary personnel on duty each day to provide adequate and properly supervised nursing services to meet the nursing needs of the residents.
- b) There shall be at least one person awake, dressed and on duty at all times in each separate unit.
- c) Nursing service personnel at all levels of experience and competence shall only be assigned responsibilities in accordance with their qualifications.

Section 340.1570 Personal Care

- a) Personal care, as defined in Section 340.1000, shall be provided on a 24-hour, seven day a week basis, as needed by the resident. This shall include, but not be limited to, the following:
 - 1) Each resident shall have proper daily personal attention, including skin, nails, hair, and oral hygiene, in addition to any treatment ordered by the physician.
 - 2) Each resident shall have at least one complete bath and shampoo weekly and as many additional baths and shampoos as necessary for satisfactory personal hygiene.
 - 3) Each resident shall have clean suitable clothing in order to be comfortable, sanitary, free of odors, and decent in appearance. Unless otherwise indicated by their physician, this should be street clothes and shoes.
 - 4) Each resident shall have clean bed linens at least once weekly and more often if necessary.
- b) *If clothing is provided to the resident by the facility it shall be of proper fit.* (Section 2-103 of the Act)

Section 340.1580 Restraints

- a) The facility shall have written policies controlling the use of restraints, including but not limited to leg restraints, arm restraints, hand mitts, soft ties or vests, wheelchair safety bars and all facility practices that meet the definition of a restraint. Such

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practices shall include but not be limited to: tucking in a sheet so tightly that a bed-bound resident cannot move; bed rails; chairs that prevent rising; or placing a resident who uses a wheelchair so close to a wall that the wall prevents the resident from rising. Wrist bands or devices on clothing that trigger electronic alarms to warn staff that a resident is leaving a room do not, in and of themselves, restrict freedom of movement and should not be considered as restraints. The policies shall be followed in the operation of the facility and shall comply with the Act and this part. These policies shall be developed by the medical advisory committee or the advisory physician with participation by nursing and administrative personnel.

- b) No restraints with locks shall be used.
- c) Physical restraints shall not be used on a resident for the purposes of discipline or convenience.

Section 340.1590 Nonemergency Use of Restraints

- a) Physical restraints shall only be used when required to treat the residents' medical symptoms or as a therapeutic intervention, as ordered by a physician, and based on:
 - 1) the assessment of the resident's capabilities and an evaluation and trial of less restrictive alternatives that could prove effective;
 - 2) the assessment of a specific medical symptom, including life-saving treatment, that requires the use of restraints, those symptoms being treated and how the use of restraints will assist the resident in reaching his or her *highest practicable physical, mental or psychosocial well being*;
 - 3) consultation with appropriate health professionals, such as occupational or physical therapists, which indicates that the use of less restrictive measures or therapeutic interventions has proven ineffective; and
 - 4) demonstration by the care planning process that using a restraint as a therapeutic intervention will promote the care and services necessary for the resident to attain or maintain the *highest practicable physical, mental or psychosocial well being*. (Section 2-106(e) of the Act, as amended by Public Act 88-413, effective August 20, 1993)
- b) A restraint may be used only with the informed consent of the resident, the resident's guardian, or other authorized representative. (Section 2-106(c) of the Act, as amended by P.A. 88-413, effective August 20, 1993) Informed consent includes information about potential negative outcomes of the use of a particular restraint, including incontinence, decreased range of motion, decreased ability to ambulate, symptoms of withdrawal or depression, or reduced social contact.
- c) Use of a restraint may only be authorized for a specified period of time. The effectiveness of the restraint in treating medical symptoms or as a therapeutic intervention, and any negative impact on the

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resident, shall be assessed by the facility throughout the period of time the restraint is used.

- d) After the authorized period for use of a restraint has expired, information about the actual effectiveness of the restraint in treating the resident's medical symptoms or as a therapeutic intervention and about any actual negative impact on the resident shall be given to the resident, resident's guardian, or other authorized representative before the facility secures an informed consent for an additional period of time.

- e) A restraint may be applied only by staff trained in the application of the particular type of restraint. (Section 2-106(d) of the Act, as amended by P.A. 88-413, effective August 20, 1993)

- f) Whenever a period of use of a restraint is initiated, the resident shall be advised of his or her right to have a person or organization of his or her choosing, including the guardianship and advocacy commission, notified of the use of the restraint. A period of use of a restraint is initiated when a particular restraint is applied to a resident for the first time under a new or renewed authorization for the use of that restraint. A recipient who is under guardianship may request that a person or organization of his or her choosing be notified of the restraint, whether or not the guardian approves the notice. If the resident so chooses, the facility shall make the notification within 24 hours, including any information about the period of time that the restraint is to be used. Whenever the Guardianship and Advocacy Commission is notified that a resident has been restrained, it shall contact the resident to determine the circumstances of the restraint and whether further action is warranted. (Section 2-106(e) of the Act, as amended by P.A. 88-413, effective August 20, 1993)

- g) Whenever a restraint is used on a resident whose primary mode of communication is sign language, the resident shall be permitted to have his or her hands free from restraint for brief periods each hour, except when this freedom may result in physical harm to the resident or others. (Section 2-106(f) of the Act, as amended by P.A. 88-413, effective August 20, 1993)

- h) The plan of care shall contain a schedule or plan of rehabilitative/habilitative training to enable the progressive removal of restraints or the progressive use of less restrictive means.

- i) A resident wearing a restraint shall have it released for a few minutes at least once every two hours, or more often if necessary. During these times, residents shall be assisted with ambulation, as their condition permits, and provided a change in position, skin care and nursing care, as appropriate.

- j) No form of seclusion shall be permitted.

Section 340.1600 Emergency Use of Restraints

- a) If a resident needs emergency care, restraints may be used for brief periods to permit treatment to proceed unless the facility has notice

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that the resident has previously made a valid refusal of the treatment in question. (Section 2-106(c) of the Act, as amended by Public Act 88-413, effective August 20, 1993)

- b) For this Section only, "emergency care" means the unforeseen need for immediate treatment inside or outside the facility that is necessary to:

- 1) save the resident's life;
- 2) prevent the resident from doing serious mental or physical harm to himself/herself; or

- c) If a resident needs emergency care and other less restrictive interventions have proved ineffective, a restraint may be used briefly to permit treatment to proceed. The attending physician shall be contacted immediately for orders. If the attending physician is not available, the facility's advisory physician or Medical Director shall be contacted. If a physician is not immediately available, a nurse with supervisory responsibility may approve, in writing, the use of physical restraints. A confirming order, which may be obtained by telephone, shall be obtained from the physician as soon as possible, but no later than eight hours after the restraint has been applied. The resident must be in view of a staff person at all times the restraint is in place until the resident has been examined by a physician. The resident's needs for toileting, ambulation, hydration, nutrition, repositioning, and skin care must be met during the temporary restraint.

- d) The emergency use of a restraint must be documented in the resident record, including:

- 1) the behavior incident that prompted the use of the restraint;
 - 2) the date and times the restraint was applied and released;
 - 3) the name and title of the person responsible for the application and supervision of the restraint;
 - 4) the action by the resident's physician upon notification of the restraint use;
 - 5) the new or revised orders issued by the physician; and
 - 6) the date of the scheduled care planning conference or the reason a care planning conference is not needed, in light of the resident's emergency need for restraints.
- e) The facility's emergency use of restraints shall comply with Sections 340.1580(b) and (c) and 340.1590 (b), (e), (f), (g), and (j).

Section 340.1610 Unnecessary, Psychotropic, and Antipsychotic Drugs

- a) A resident shall not be given unnecessary drugs in accordance with Section 340. Table B. In addition, an unnecessary drug is any drug used:

- 1) in an excessive dose, including in duplicative therapy;
- 2) for excessive duration;
- 3) without adequate monitoring;
- 4) without adequate indications for its use; or

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- 5) *in the presence of adverse consequences that indicate the drugs should be reduced or discontinued.* (Section 2-106.1(a) of the Act as added by Public Act 88-413, effective August 20, 1993)
- b) *Psychotropic medication shall not be prescribed without the informed consent of the resident, the resident's guardian, or other authorized representative.* (Section 2-106.1(b) of the Act, as added by P.A. 88-413, effective August 20, 1993)
- c) Residents shall not be given antipsychotic drugs unless antipsychotic drug therapy is necessary, as documented in the resident's comprehensive assessment, to treat a specific condition as diagnosed and documented in the clinical record in accordance with Section 340.1620, Table B, Guidelines for the Use of Various Drugs.
- d) Residents who use antipsychotic drugs shall receive gradual dose reductions and behavior interventions, unless clinically contraindicated, in an effort to discontinue these drugs in accordance with Section 340.1620, Table B, Guidelines for the Use of Various Drugs.
- e) For the purposes of this Section:
- 1) "Duplicate drug therapy" means any drug therapy that duplicates a particular drug effect on the resident without any demonstrative therapeutic benefit. For example, any two or more drugs, whether from the same drug category or not, that have a sedative effect.
 - 2) "Psychotropic medication" means medication that is used for or listed as used for antipsychotic, antidepressant, antimanic or antianxiety behavior modification or behavior management purposes in the latest edition of the AMA Drug Evaluations or the Physician's Desk Reference or Drug Evaluation Subscription, American Medical Association, Vols. I-III, Summer 1993. (Section 2-106.1(b) of the Act, as amended by P.A. 88-413, effective August 20, 1993)
 - 3) "Antipsychotic Drug" means a neuroleptic drug that is helpful in the treatment of psychosis and has a capacity to ameliorate thought disorders.

Section 340.1620 Medication Administration

- a) Every facility shall adopt written medication administration policies and procedures which are consistent with the Act and this Part and which shall be followed in the operation of the facility. These policies and procedures shall be in compliance with all applicable Federal, State and local laws.
- b) Medications shall be administered by licensed medical or licensed nursing personnel in accordance with their respective licensing requirements. Some schools of nursing, especially some licensed practical nursing schools, do not include pharmacology courses. It is required that graduates of such schools successfully complete a course in pharmacology or have at least one year's full-time supervised experience in administering medications in a health care setting, in order to be considered to be properly qualified, by training or

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- c) experience, to administer medications.
- All legend medications maintained in the facility shall be on individual prescription or from the physician's personal office supply. A physician who supplies medication from his/her personal office supply must comply with the requirements of Section 33 of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400-33) [225 ILCS 60].

Section 340.1630 Self-Administration of Medication

- a) A resident may self-administer medications, as approved, in writing by the resident's personal physician.
- b) All medications shall be properly labeled and stored in a locked area at all times. Areas shall be well lighted and of sufficient size to permit storage without crowding. This area may be a drawer, closet, cabinet or room. The medication area shall not be used for any other purpose. It shall not be located in resident's rooms, bathrooms or the kitchen, except as allowed in subsection (d) of this Section. The key to the medication area shall be the responsibility of, and in the possession of, the staff persons responsible for overseeing the self-administration of medications by residents.
- c) If the medication policies of the facility permit residents to be totally responsible for their own medication, when the attending physician gives written permission for such action, the policies of the facility shall provide that the resident and attending physician shall be given written statements concerning the relative responsibilities of each of the three parties (facility, resident and physician), in cases where the resident, or any other person, suffers harm due to the resident's actions in handling their own medications.
- d) Residents who are totally responsible for their own medication shall maintain possession of the key or combination of the lock, to their own medication storage area which may be a locked drawer or cabinet in the resident's room or private bathroom along with other possessions of that resident. A duplicate key, or a copy of the combination, shall be kept by the facility in its safe, or some other secure place, for emergency use, such as if the resident should lose or misplace his/her key, or forget the combination.
- e) Facility staff must not administer medications unless they are properly licensed in Illinois as a nurse or physician. Unlicensed facility staff may assist in self-administration of medications as follows:
- 1) They may prompt a resident that it is the time to take medication.
 - 2) They may assist a resident in the self-administration of medications by taking the medication from the locked area where it is stored and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.
 - 3) Facility staff may also assist physically impaired residents,

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such as those who have arthritis, cerebral palsy, or Parkinson's disease, in the removal of the medication from the container and in assisting the resident in consuming or applying the medication when requested to do so by the resident. (For example, a staff member may place a dose of medicine in a container and place the container to the mouth of a resident who would not be able to do so himself without spilling it.)

f) Agency Note: Attorney General's Opinion File NO. S-1033, dated January 9, 1976, concluded that the administration of medication to residents of licensed long-term care facilities is a nursing procedure, as defined in the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 3501 et seq.) [225 ILCS 65], and as such, cannot be performed by persons who are not licensed as either Registered Professional Nurses or Licensed Practical Nurses. The opinion concluded by stating that "nursing aides, orderlies, attendants, and other auxiliary workers who are employed in nursing homes are not permitted to administer medications to patients in nursing homes."

SUBPART E: RESIDENT LIVING SERVICES

Section 340.1700 Recreational and Activity Programs

- a) The facility shall provide recreational and activity services as necessary to meet the needs of the residents. These services shall be coordinated with other services and programs provided the residents, in order to make fullest possible use of both community and facility resources and to maximize benefits to the residents.
- b) There shall be a specific planned program of group and individual activities designed to encourage habilitation or restoration to self-care and maintenance of normal activity that is geared to the individual resident's needs. Activities shall be available daily and for a reasonable amount of time, taking into account individual's past interests and the development of new interests. Residents shall be given an opportunity to contribute to planning, preparing, conducting, cleaning up, and critiquing of the program.
- c) There shall be written permission, with any contraindications stated, given by the resident's physician for the resident to participate in the activity program. Standing orders will be acceptable with individual contraindications noted.
- d) Activity program supplies and equipment shall be provided in sufficient quantity and variety to carry out the activity program objectives and to maintain an ongoing program to meet the varied interests and needs of the residents. These shall include, but are not limited to, games, craft supplies, current magazines, books, radio, television, and record or tape player. A piano or organ is recommended as an important adjunct to the activity program equipment.
- e) There shall be a trained staff person designated responsible for planning and directing the activities program. This person shall be

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on duty for a sufficient amount of time to provide a program that meets the residents' needs and interests. Additional activity personnel shall be provided as necessary to meet the needs of the residents and the program.

- f) If this person is not a Registered Occupational Therapist, a Therapeutic Recreation Specialist, or a Certified Social Worker with specialized coursework in social group work, the facility shall have a written agreement with a person from one of those disciplines to provide consultation to the Activity Director in order to make sure that the activity programming meets the needs of the residents of the facility.
- g) The activity program should include at a minimum the following program areas:
 - 1) Recreational activities (examples: games, both quiet and active; parties; picnics; outside entertainment).
 - 2) Arts and Crafts (applicable for the needs and interests of the residents).
 - 3) Religious activities (examples: Bible study or discussion; Bible quizzes and games; hymn singing. These are in addition to routine religious services.)
 - 4) Service activities for community or facility (examples: assist with community fund drives; projects for community or facility; helping to fold linen).
 - 5) Intellectual and educational activities (examples: classes in writing, arithmetic, grooming, and social graces; cooking or food preparation; planned group discussion; quizzes and word games; newsletter).
 - 6) Community activities (examples: residents' participation in community activities such as plays, clubs, eating out, church events, band concerts, and tours).
 - h) Documentation of resident's response to programs shall be part of the resident's record.

Section 340.1710 Social Services

If the staff member designated to provide social services is not a registered or certified social worker, the facility shall have an effective arrangement with a registered or certified social worker to provide social service consultation.

Section 340.1720 Work Programs

- a) In-house facility work programs for individual residents shall be allowed only if oriented toward resident adjustment and therapeutic benefits.
 - 1) Documentation for each program shall include, but not be limited to, objectives, possible work assignment, duties, policies governing the program, agency involvement (where appropriate), and supervision.

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- 2) Residents involved in such programs shall meet all requirements of the Department for persons functioning in these positions.
- 3) Residents shall not be used to replace employed staff.
- 4) All such programs shall be in full compliance with all applicable regulations of both the State and Federal Departments of Labor. Any program found by the Department not to be in compliance with State and Federal Departments of Labor regulations shall be terminated immediately.
- b) The facility should cooperate with state and community agencies in assisting individual residents to avail themselves of specialized work activity programs, prevocational and work adjustment training, sheltered workshop programs, and other similar programs that are provided outside of the facility.
- c) Appropriate records shall be maintained for residents functioning in these programs in the facility or outside the facility. These shall show appropriateness of the program for the individual, resident's response to the program, and any other pertinent observations and shall become a part of the resident's record.
- d) A resident may refuse to perform labor for a facility. (Section 2-113 of the Act)

SUBPART F: RESIDENT RECORDS

Section 340.1800 Resident Record Requirements

- a) Each facility shall designate an employee to be responsible for completing, maintaining and preserving the medical records.
- b) Each facility shall have a medical record system that facilitates the retrieval of information regarding individual residents as demonstrated by the facility.
- c) The facility shall keep an active medical record for each resident. This resident record shall be kept current, complete, legible, and available at all times to those personnel authorized by the facility's policies and to the Department's representatives.
- d) Record entries shall meet the following requirements:
 - 1) Record entries shall be made by the person providing or supervising the service or observing the occurrence that is being recorded.
 - 2) Each record entry shall be written in ink or typed, shall be signed, dated, and shall include the profession or title of the person making the entry.
- e) An ongoing resident record including progression toward and regression from established resident goals shall be maintained.
 - 1) The progress record shall indicate significant changes in the resident's condition. Any significant change shall be recorded upon occurrence by the staff person observing the change.
 - 2) Recommendations and findings of direct service consultants, such as providers of social, dental, dietary or rehabilitation services, shall be included in the resident's progress record

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- f) When the recommendations pertain to an individual resident. A medication administration record shall be maintained, which contains the date and time each medication is given, name of drug, dosage, and by whom administered. A medication administration record is not required for residents who have been approved to be fully responsible for their own medications in accordance with Section 340.1630(c).
- g) Treatment sheets shall be maintained recording all resident care procedures ordered by each resident's attending physician. This does not prohibit the use of universal progress notes.
- h) Discharge information shall be completed within 48 hours after the resident leaves the facility. Resident care staff shall record the date, time, condition of the resident, to whom released, and the resident's planned destination (home, another facility, undertaker). This information may be entered onto the admission record form. The discharge information shall also include reasons for discharge, diagnosis, individual habilitation plan, physical, pertinent medical and social histories, orders, and staff recommendations for immediate care to ensure the optimal continuity of care for the resident.

Section 340.1810 Content of Medical Records

- a) No later than the time of admission, the facility shall enter the following information, as applicable, onto the identification or admission sheet for each resident.
 - 1) Name, sex, date of birth and Social Security Number;
 - 2) Marital Status, and the name of spouse;
 - 3) Date of admission to the facility;
 - 4) Date of current admission to the facility;
 - 5) State or country of birth;
 - 6) Home address;
 - 7) Religious affiliation;
 - 8) Name, address and telephone number of any referring agency, state hospital, zone center or hospital from which the resident has been transferred;
 - 9) Name and telephone number of the resident's personal physician;
 - 10) Name and telephone number of the resident's representative or guardian, if any;
 - 11) Name and telephone number of the resident's next of kin or responsible relative;
 - 12) Language understood or spoken;
 - 13) Race and origin;
 - 14) Most recent occupation;
 - 15) Whether the resident or the resident's spouse is a veteran;
 - 16) Father's name and mother's name;
 - 17) Name, address and telephone number of the resident's dentist; and
 - 18) The diagnosis applicable at the time of admission.
- b) In addition to the information that is specified above, each resident's medical record shall contain the following:
 - 1) Medical history and physical examination form that includes

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conditions for which medications have been prescribed, physician findings, all known diagnoses and restoration potential. This shall describe those known conditions that the medical and resident care staff should be apprised of regarding the resident. Examples of diagnoses and conditions that are to be included are allergies, epilepsy, diabetes and asthma.

- 2) A physician's order sheet that includes orders for all medications, treatments, therapy and rehabilitation services, diet, activities and special procedures or orders required for the safety and well-being of the resident.
- 3) Nurse's notes that describe the nursing care provided, observations and assessment of symptoms, reactions to treatments and medications, progression toward or regression from each resident's established goals, and changes in the resident's physical or emotional condition.
- 4) An ongoing record of notations describing significant observations or developments regarding each resident's condition and response to treatments and programs.

- A) Physicians and other consultants who provide direct care or treatment to residents shall make notations at the time of each visit with a resident.

- B) Significant observations or developments regarding resident responses to activity programs, social services, dietary services and work programs shall be recorded as they are noted. If no significant observations or developments are noted for three months, an entry shall be made in the record of that fact.

- C) Significant observations or developments regarding resident responses to nursing and personal care shall be recorded as they are noted. If no significant observations or developments are noted for a month, an entry shall be made in the record of that fact.

- D) Significant behavior incidents, reactions to any family visits and contacts, attendance at programs.

- 5) Any laboratory and x-ray reports ordered by the resident's physician.

- 6) Documentation of visits to the resident by a physician and to the physician's office by the resident. The physician shall record, or dictate and sign, the results of such visits, such as changes in medication, observations, and recommendations made by the physician during the visits, in the record.

- 7) All psychological testing and multidisciplinary evaluations regarding each resident.

- 8) Any correspondence pertaining to the resident's program.

- 9) Appropriate authorizations and consents.

- 10) Upon admission from a hospital or state facility, a hospital summary sheet or transfer form that includes the hospital diagnosis and treatment, and a discharge summary. This transfer information, which may be included in the transfer agreement,

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shall be signed by the physician who attended the resident while in the hospital.

Section 340.1820 Records Pertaining to Resident's Property

- a) The facility shall maintain a record of any resident's belongings, including money, valuables and personal property, accepted by the facility for safekeeping. This record shall be initiated at the time of admission and shall be updated on an ongoing basis and made part of the resident's record.
- b) When purchases are made for a resident from the resident's personal monies, receipts shall be obtained and retained that verify the date, amount, and items purchased.
- c) A separate bookkeeping system shall be maintained by the facility, which accounts for all transactions affecting each resident's account. Each individual resident, or the individual resident's representative, shall have access to the record of that individual resident's account.

Section 340.1830 Retention, Transfer, and Inspection of Records

- a) Each facility shall have a policy regarding the retirement and destruction of medical records. This policy shall specify the time frame for retiring a resident's medical record, and the method to be used for record destruction at the end of the record retention period.
- b) Records of discharged residents shall be placed in an inactive file and retained as follows:

- 1) Records for any resident who is discharged prior to being 18 years old shall be retained at least until the resident reaches the age of 23.
- 2) Records of residents who are over 18 years old at the time of discharge shall be retained for a minimum of five years.
- 3) After the death of a resident, the resident's record shall be retained for a minimum of five years.
- 4) It is suggested that the administrator check with legal counsel regarding the advisability of retaining resident records for a longer period of time.
- 5) If a facility ceases operation, procedures for handling resident records shall be developed by legal counsel.
- c) When a resident is transferred to another facility, the transferring facility shall send with the resident a reason for transfer, summary of treatment and results, laboratory findings, and orders for the immediate care of the resident. This information may be presented in a transfer form or an abstract of the resident's medical record.
- d) The facility shall retain other records required by these standards for a minimum of three years. Procedures to be followed in the event the facility ceases operation shall be developed by facility legal counsel.
- e) Each resident record is the property of the facility. The facility shall be responsible for securing resident record information against

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- loss, defacement, tampering or use by unauthorized persons.
- f) Every resident, resident's guardian, or parent (if the resident is a minor) shall be permitted to inspect and copy all of the resident's clinical and other records concerning the resident's care and maintenance kept by the facility or by the resident's physician. (Section 2-104(d) of the Act)

Section 340.1840 Confidentiality of Resident's Records

- a) All information contained in a resident's record, including any information contained in an automated data bank, shall be considered confidential. The facility shall permit the appropriate State and federal agencies (such as Illinois Departments of Public Aid, Public Health, Mental Health and Developmental Disabilities, and the U.S. Department of Health and Human Services and state and federal Department of Veterans' Affairs) to have access to resident records.
- b) The facility shall develop and implement written policies governing access to, duplication of, and dissemination of information from medical records.
- c) The facility shall obtain written consent of the resident, or the resident's guardian, prior to any release of any resident record information to persons not authorized to receive the information.

SUBPART G: FOOD SERVICE

Section 340.1900 Food Service Staff

- a) Each facility shall have a full-time person, suited by training and experience, who has been designated by the administration to be responsible for the total food service operation of the facility. The food service supervisor may assume cooking duties but only if these duties do not interfere with the responsibilities of management and supervision.
- b) There shall be sufficient number of food service personnel employed and on duty to meet the dietary needs of all residents eating meals in the facility. Food service staff working hours shall be scheduled to meet the total dietary needs of the residents. All food service employees' time schedules and work assignments shall be posted in the kitchen. Dietary duties and job procedures shall be available in the food service for employees' information and use.
- c) Food service personnel shall be in good health and shall practice hygienic food handling techniques and good personal grooming.

Section 340.1910 Diet Orders

- a) Physicians shall write, in the medical record, a diet order for each resident indicating whether the resident is to have a general or a therapeutic diet. The diet shall be served as ordered.
- b) A diet order for each resident shall be sent in writing to the food

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service department for each new admission and for every subsequent change in diet for that resident as ordered by his physician. The diet order shall include, but is not limited to, the following information: name of resident; room and bed number; type of diet; consistency, if other than regular; date diet order is sent to dietary; name of physician ordering the diet; and the signature of the person transmitting the order to the food service department.

- c) The resident shall be observed to determine acceptance or lack of acceptance of the diet, and these observations shall be recorded in the resident's record.

Section 340.1920 Adequacy of Diet and Meal Pattern

- a) The daily food allowance shall meet the nutritional needs of each resident in accordance with the recommended dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences and shall include at least:

- 1) Two (2) servings of milk. One serving of milk is eight (8) ounces of Grade A whole or low fat pasteurized milk, is equivalent, as follows:

- A) One inch cube of cheddar type cheese equals one half cup milk.

- B) Two-thirds cup cottage cheese equals one half cup milk.

- C) One cup ice cream equals one half cup milk.

- 2) Two (2) servings of edible meat or other good quality protein food. One serving is equivalent, as follows:

- A) Three (3) ounces (excluding bone, fat and breading) of any cooked meat such as whole or ground beef, veal, pork or lamb; poultry; organ meats such as liver, heart, kidney; prepared luncheon meats.

- B) Three (3) ounces cooked fish or shell fish or one half cup canned fish.

- C) Three (3) ounces of natural or processed cheese or three-fourths cup cottage cheese.

- D) Three (3) eggs (minimum weight of twenty-one (21) ounces per dozen). Note: If one egg is served at breakfast, the protein food of good quality may be reduced from six (6) to five (5) ounces. If two (2) eggs are served at breakfast, the protein food of good quality may be reduced from six (6) to four (4) ounces.

- E) One cup cooked dried peas or beans; six (6) tablespoons of peanut butter; or three (3) ounces of textured or soy bean entree not more than twice a week and provided eggs, cheese, milk or lean meat are served at the same meal.

- F) Combinations of all above examples are acceptable, provided the minimum standard of six (6) ounces of a protein food of good quality is served daily and provided the combinations do not conflict with eye appeal or palatability.

- 3) Four (4) servings of vegetable or fruit. One serving is

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equivalent to one-half cup. Within these four (4) daily services:

A) One daily serving shall be of a good source of vitamin C or two (2) daily servings shall be of a fair source of vitamin C. A good source of vitamin C may include grapefruit, grapefruit juice, orange, orange juice, cantaloupe, strawberries, broccoli, brussels sprouts, green peppers or sweet red peppers. A fair source of vitamin C may include cabbage, collards, kale, kohlrabi, mustard greens, potatoes, spinach, tomatoes, tomato juice, turnip greens.

B) Three (3) weekly servings shall be of a good source of vitamin A. A good source of vitamin A may include apricots, broccoli, cantaloupe, carrots, chard, collards, kale, persimmon, pumpkin, spinach, sweet potato, turnip greens, winter squash.

4) Four (4) servings of breads or cereal. One serving is equivalent to:

A) One slice of bread

B) One-half cup cooked cereal

C) Three-fourths cup cold cereal

5) A food item may not be considered to fulfill more than one of the requirements listed in Section 340.1920(a)(1) through (4). For example: Cheese may be used to fulfill the milk or meat requirement, not both.

6) To ensure variety, when a food item is served twice in the same day, it may only be considered to fulfill one of the requirements of Section 340.1920(a)(1) through (4) once. Except that two (2) eggs may be counted as described in Section 340.1920(a)(2)(D) and that bread may be counted more than once. For example if cheese was served at the noon and evening meal, one serving of cheese would be considered to fulfill one of the requirements of Section 340.1920(a)(1) through (4), and the purpose of the other serving may be to meet Section 340.1920(a)(7).

7) Other food items shall be served to round out meals, satisfy individual appetites, improve flavor, and meet individual calorie needs.

b) Each resident shall receive and the facility shall provide at least three meals daily, at regular times comparable to normal mealtimes in the community.

1) Breakfast: Fruit Juice; Cereal; Meat (optional, but three-four times per week preferable); Bread, Butter or Margarine; Milk; and Choice of additional beverage.

2) Main Meal (may be served noon or evening): Soup or Juice (optional); Entree (quality protein); Potato or potato substitute; Vegetable or Salad; Dessert (preferably fruit unless fruit is served as a salad or will be served at other meal); Bread, Butter or Margarine; and Choice of beverage.

3) Lunch or Supper: Soup or Juice (optional); Entree (quality protein); Potato or potato substitute (optional if served at main

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meal; Vegetable or Salad; Dessert; Bread, Butter or Margarine; Milk; and Choice of additional beverage.

c) There shall be no more than a fourteen (14) hour span between the usual commencement of the evening meal and the usual commencement of the morning meal.

d) Snacks of nourishing quality shall be offered at bedtime when there is a time span of four (4) or more hours between the ending of the last meal and bedtime, or as otherwise indicated in the resident's plan or care.

e) If a resident refuses food served, reasonable and nutritionally appropriate substitutes shall be served.

Section 340.1930 Therapeutic Diets

a) A therapeutic diet is a diet that varies from the recommended nutritional requirements as specified in Section 340.1920.

b) All diets or dietary restrictions shall be planned or approved by a dietitian.

c) The kinds and variations of these prescribed therapeutic diets shall be available in the kitchen. If separate menus are not planned for each specific diet, diet information for each specific type shall be posted in the kitchen.

d) All therapeutic diets, with the exception of liquid and medical soft, shall be reviewed at least every month. Liquid therapeutic diets shall be reviewed every forty-eight (48) hours. Medical soft diets shall be reviewed every three (3) weeks. This review shall be done by licensed nursing personnel or a qualified dietitian with recommendations to the attending physician.

e) The facility shall have available and in use two (2) or more copies of a current diet manual. One copy shall be located in the kitchen for use by dietary personnel; others shall be located at each nurses' station for use by the physician when prescribing diets.

Section 340.1940 Menu Planning

a) Menus, including menus for "sack" lunches and between meal or bedtime snacks, shall be planned at least one week in advance. Food sufficient to meet the nutritional needs of all the residents shall be prepared for each meal. When changes in the menu are necessary, substitutions shall provide equal nutritive value and shall be recorded on the original menu, or in a notebook used for that purpose. If a notebook is used to document substitutions, it shall include the date of the substitution; the meal at which the substitution was made; the menu as originally written; and the menu as actually served.

b) The menu for the current week shall be dated and posted. Upon the request of the Department, sample menus shall be submitted for evaluation.

c) Menus shall be different for the same day of consecutive weeks.

d) All menus as actually served shall be kept on file for not less than

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- thirty (30) days.
- e) Supplies of staple foods for a minimum of a one week period and of perishable foods for a minimum of a two (2) day period shall be maintained on the premises. Supplies shall be appropriate to meet the requirements of the menu.
 - f) Records of all food purchased shall be kept on file for not less than thirty (30) days.

Section 340.1950 Food Preparation and Service

- a) Every facility shall comply with the Department's rules entitled "Food Service Sanitation" (77 Ill. Adm. Code 750).
- b) Foods shall be prepared by appropriate methods that will conserve their nutritive value and enhance their flavor and appearance. They shall be prepared according to standardized recipes, and a file of such recipes shall be available for the cook's use.
- c) Foods shall be attractively served at the proper temperatures and in a form to meet individual needs.
- d) Foods shall not be mixed for feeding so that residents may discriminate individual tastes.
- e) All residents shall be served in a dining room or multi-purpose room except for an individual with temporary illness, who is too ill, or for other valid reasons. Residents shall be in an upright position during meal service unless contraindicated by the resident's condition.

Section 340.1960 Kitchen Equipment, Utensils, and Supplies

- a) Each facility shall provide an adequate number of dishes, glassware, and silverware of a satisfactory type to serve all the residents in the facility at each meal.
- b) Each facility shall have available for use a sufficient supply of adaptive food service equipment necessary to meet the need of each resident.

SUBPART H: PHYSICAL PLANT SERVICES, FURNISHINGS,
EQUIPMENT, AND SUPPLIES

Section 340.2000 Maintenance

- a) Every facility shall have an effective written plan for maintenance, including sufficient staff, appropriate equipment, and adequate supplies.
- b) Each facility shall:
 - 1) Maintain the building in good repair, safe and free of the following: cracks in floors, walls, or ceilings; peeling wallpaper or paint; warped or loose boards; warped, broken, loose, or cracked floor covering, such as tile or linoleum; loose handrails or railings; loose or broken window panes; and any

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- other similar hazards.
- 2) Maintain all electrical, signaling, mechanical, water supply, heating, fire protection, and sewage disposal systems in safe, clean and functioning condition. This shall include regular inspections of these systems.
 - 3) Maintain all electrical cords and appliances in a safe and functioning condition.
 - 4) Maintain the interior and exterior finishes of the building as needed to keep it attractive, clean and safe (painting, washing, and other types of maintenance).
 - 5) Maintain all furniture and furnishings in a clean, attractive, and safely repaired condition.
 - 6) Maintain the grounds and other buildings on the grounds in a safe, sanitary, presentable condition, free of refuse and litter.
 - 7) Maintain the building and grounds free of any possible infestations of insects and rodents by eliminating sites of breeding and harborage inside and outside the building; eliminating sites of entry into the building with screens of not less than 16 mesh screen to the inch and repair of any breaks in construction.
 - 8) Maintain all plumbing fixtures and piping in good repair and properly functioning.
 - 9) Protect the potable water supply from contamination by providing and properly installing adequate backflow protection devices or providing adequate air gaps on all fixtures that may be subject to backflow or back siphonage.

Section 340.2010 Water Supply, Sewage Disposal and Plumbing

a) Water Supply

- 1) Each facility shall be served by water from a municipal public water supply when available.
- 2) When a municipal public water supply is not available, the water supply shall comply with the Department's rules entitled "Drinking Water Systems," (77 Ill. Adm. Code 900).
- 3) If water is supplied by a well that is not part of a municipal system, the well shall be constructed and maintained in accordance with the Department's rules entitled "Illinois Water Well Construction Code" (77 Ill. Adm. Code 920) and "Water Well Pump Installation Code" (77 Ill. Adm. Code 925).
- 4) Each water supply shall comply with all applicable State and local codes and ordinances.
- 5) Each facility shall have a written agreement with a water company, dairy, or other water purveyor to provide an emergency supply of potable water for drinking and culinary purposes.

b) Sewage Disposal

- 1) All sewage and liquid wastes shall be discharged into a public sewage system when available.
- 2) When a public sewage system is not available, sewage and liquid

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wastes shall be collected, treated, and disposed of in a private sewage disposal system. The design, construction, maintenance, and operation of the system shall comply with the Department's rules entitled "Private Sewage Disposal Code" (77 Ill. Adm. Code 905).

- 3) All sewage disposal systems shall comply with all applicable State and local codes and ordinances.

c) Plumbing

- 1) Each plumbing system shall comply with the Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890) effective at the time of construction or approved acceptance by the Department.

- 2) All plumbing systems shall comply with all applicable State and local codes and ordinances.

Section 340.2020 Housekeeping

- a) Every facility shall have an effective plan for housekeeping including sufficient staff, appropriate equipment, and adequate supplies. Each facility shall:
 - 1) Keep the building in a clean, safe, and orderly condition. This includes all rooms, corridors, attics, basements, and storage areas.

- 2) Keep floors clean, as nonslip as possible, and free from tripping hazards including throw or scatter rugs.

- 3) Control odors within the housekeeping staff's areas of responsibility by effective cleaning procedures and by the proper use of ventilation systems. Deodorants shall not be used to cover up persistent odors caused by unsanitary conditions or poor housekeeping practices.

- b) Attics, basements, stairways, and similar areas shall be kept free of accumulations of refuse, discarded furniture, old newspapers, boxes, discarded equipment, and other items.

- c) Bathtubs, shower stalls, and lavatories shall not be used for laundering, janitorial, or storage purposes.

- d) All cleaning compounds, insecticides, and all other potentially hazardous compounds or agents shall be stored in locked cabinets or rooms.

Section 340.2030 Laundry Services

- a) Every facility shall have an effective means of supplying an adequate amount of clean linen for operation, either through an in-house laundry or a contract with an outside service.

- 1) An adequate supply of clean linen shall be defined as the three sets of sheets, draw sheets, and pillow cases required to provide for the residents' needs. Additional changes of linen may be required in consideration of the time involved for laundering and transporting soiled linens.

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- 2) If an in-house laundry service is provided, then the following conditions shall exist:
 - A) The laundry area shall be maintained and operated in a clean, safe and sanitary manner. No part of the laundry shall be used as a smoking or dining area.

- B) Written operating procedures shall be developed, posted and implemented that provide for the handling, transport and storage of clean and soiled linens.

- C) Laundry personnel must be in good health and practice good personal grooming. Employees must thoroughly wash their hands and exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean, and after smoking, eating, drinking, using the toilet, and handling soiled linens.

- D) Clean linen shall be protected from contamination during handling, transport, and storage.

- E) Soiled linen shall be handled, transported, and stored in a manner that protects facility residents and personnel.

- F) If supplies and equipment not directly connected with the operation of the laundry are stored in the laundry or its accessory storage and handling areas, they shall be protected from contamination by the soiled linens and shall not contribute to contamination of the clean linens.

- b) If an outside laundry service is used, it shall comply with the requirements of in-house laundries and shall provide for protection of clean linens during transport back to the facility.

- c) If the facility provides laundry service for residents' personal clothing, it must be handled, transported, and stored in a manner that will not allow contamination of clean linen or allow contamination by soiled linen. The facility shall assure that the personal clothing of each resident is returned to that individual resident after laundering.

Section 340.2040 Furnishings

- a) Each resident shall be provided, if he or she does not wish to provide his or her own, furniture and furnishings for his or her bedroom. These items shall be well constructed, of a satisfactory design, and appropriate to meet the needs of the resident. This shall include, but not be limited to:
 - 1) a bed of a size appropriate to the resident;
 - 2) a clean, firm, comfortable mattress and pillow;
 - 3) accessible in-room storage for folded clothing, such as a dresser or chest of drawers;
 - 4) accessible in-room storage for hanging clothes, such as a closet or wardrobe;
 - 5) an area to hang the resident's towel and washcloth;
 - 6) a reading light at an in-room location convenient to the resident, such as at bedside or near a chair;

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- 7) a location to keep nursing and personal care items that are appropriate for in-room storage, such as a bedside cabinet; 8) comfortable in-room seating.
- b) *The facility administrator shall ensure that married residents residing in the same facility be allowed to reside in the same room within the facility unless there is no room available in the facility or it is deemed medically inadvisable by the resident's attending physician and so documented in the resident's medical records. (Section 2-108(e) of the Act)* A double bed shall be provided for married couples if they request this arrangement and there are no medical contraindications.
- c) There shall be additional pillows available to satisfactorily meet the needs of the residents.
- d) A resident shall be permitted to retain and use or wear his personal property in his immediate living quarters, unless deemed medically inappropriate by a physician and so documented in the resident's clinical record. (Section 2-103 of the Act)
- e) *The facility shall provide adequate storage space for the personal property of the resident. (Section 2-103 of the Act)*
- f) *The facility shall provide a means of safeguarding small items of value for its residents in their rooms or in any other part of the facility so long as the residents have daily access to such valuables. (Section 2-103 of the Act)*
- g) Each bedroom exterior window shall have a device (e.g. blinds, curtains, window shades) to ensure privacy and light control.
- h) There shall be at least one privacy screen available in the facility for emergency use when resident privacy is needed.
- i) There shall be no traffic through a resident's room to reach any other area of the building.
- j) Residents over the age of six years occupying the same bedroom shall be of the same sex unless otherwise individually approved by the interdisciplinary team.
- k) Each bedroom shall be provided with a mirror, unless there is a mirror in a bathroom opening into this bedroom. Each lavatory shall be provided with a mirror.
- l) Each living room for resident use shall be provided with an adequate number of reading lamps, tables, and chairs or settees. These furnishings shall be well constructed and of satisfactory design to meet the needs of the residents.
- m) Dining room furnishings shall be provided for each resident that are well constructed, comfortable, in good repair, and of satisfactory design for the residents. There shall be a sufficient number of tables, of a type that can be used by wheelchair residents, to accommodate all such residents in the facility. A sufficient number of tables that can be rolled over the resident's bed or that can be placed next to the bed shall be provided for residents who cannot, or do not, eat in the dining room or area.
- n) Office spaces, nurses' stations, treatment rooms, and other areas shall be satisfactorily furnished with desks, chairs, lamps, cabinets,

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benches, work tables, and other furnishings essential to the proper use of the area.

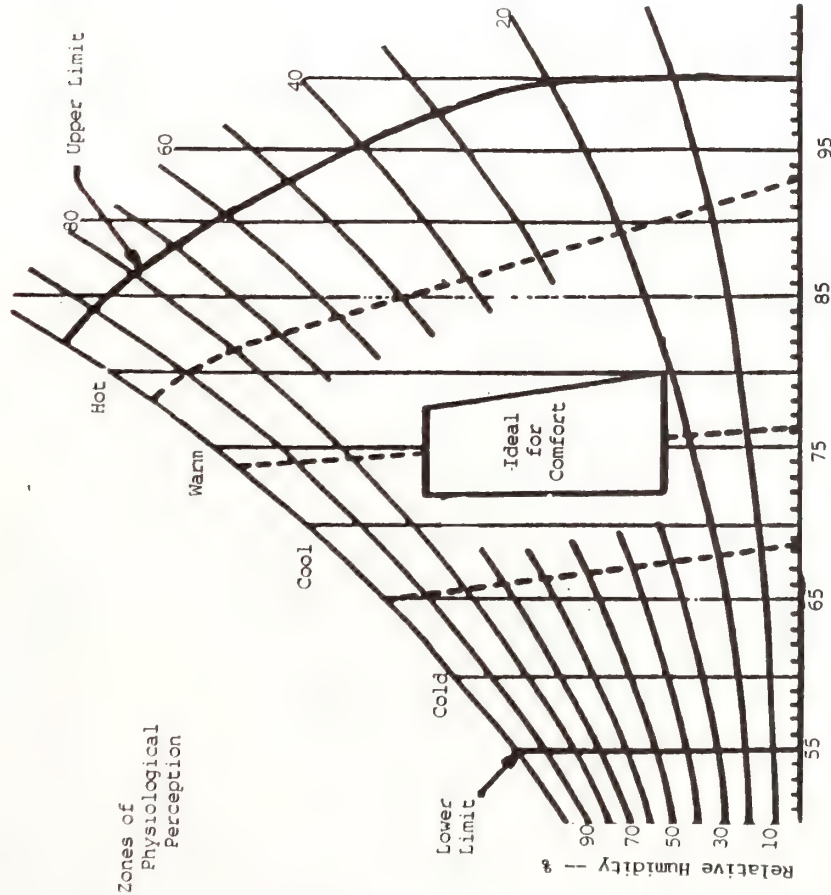
Section 340.2050 Equipment and Supplies

- a) There shall be an adequate supply of nursing equipment to meet the needs of the residents.
- b) There shall be a sufficient quantity of resident care equipment of satisfactory design and in good condition to meet each resident's needs.
- c) A sufficient quantity of suction machines shall be provided to meet the needs of all residents who need suctioning.
- d) According to the resident's needs, the facility shall assist the resident in obtaining special equipment for an individual resident's exclusive use.
- e) There shall be a first-aid kit or emergency box in every facility. This shall contain bandages, sterile gauze dressing, bandage scissors, tape, sling, burn ointment, and other equipment deemed necessary by the advisory physician or the medical advisory committee.

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Section 340. TABLE A Disaster Preparedness Parameters -- Relative Humidity and Temperature



Temperatures -- Degrees Fahrenheit

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Section 340. TABLE B Guidelines for the Use of Various Drugs

- A. Long-Acting Benzodiazepine Drugs The following long-acting benzodiazepine drugs should not be used in residents unless an attempt with a shorter-acting drug (i.e., those listed under B. Benzodiazepine or Other Anxiolytic/Sedative Drugs, and under C. Drugs Used for Sleep Induction) has failed. After an attempt with a shorter-acting benzodiazepine drug has failed, a long-acting benzodiazepine drug should be used only if:
1. Evidence exists that other possible reasons for the resident's distress have been considered and ruled out;
 2. Its use results in maintenance or improvement in the resident's functional status;
 3. Daily use is less than four continuous months unless an attempt at a gradual dose reduction is unsuccessful; and
 4. Its use is less than, or equal to, the following listed total daily doses unless higher doses (as evidenced by the resident's response and/or the resident's clinical record) are necessary for the maintenance, or improvement in the resident's functional status.

LONG-ACTING BENZODIAZEPINES

Generic	Brand	Daily Oral Dosage
Flurazepam	(Dalmane)	15mg
Chlordiazepoxide	(Librium)	20mg
Clorazepate	(Tranxene)	15mg
Prazepam	(Centrax)	15mg
Diazepam	(Valium)	5mg
Clonazepam	(Klonopin)	1.5mg
Quazepam	(Doral)	7.5mg

NOTES:

When diazepam is used for neuromuscular syndromes (e.g., cerebral palsy, tardive dyskinesia or seizure disorders), this guideline does not apply.

When long-acting benzodiazepine drugs are being used to withdraw residents from short-acting benzodiazepine drugs, this guideline does not apply.

When clonazepam is used in bi-polar disorders, management of tardive dyskinesia, nocturnal myoclonus or seizure disorders, this guideline does not apply.

The daily doses listed under Long-Acting Benzodiazepines are doses (usually administered in divided doses) for "geriatric" or "elderly" residents. The facility is encouraged to initiate therapy with

lower doses and when necessary only gradually increase doses. The facility may exceed these doses if it provides evidence to show why it was necessary for the maintenance or improvement in the resident's functional status.

For drugs in this category, a gradual dose reduction should be attempted at least twice within one year before one can conclude that the gradual dose reduction is "clinically contraindicated."

B. Benzodiazepine or other Anxiolytic/Sedative Drugs Use of the listed Anxiolytic/Sedative drugs for purposes other than sleep induction should only occur if:

1. Evidence exists that other possible reasons for the resident's distress have been considered and ruled out;
2. Use results in a maintenance or improvement in the resident's functional status;
3. Daily use (at any dose) is less than four continuous months unless an attempt at a gradual dose reduction is unsuccessful;
4. Use is for one of the following indications as defined by the Diagnostic and Statistical Manual of Mental Disorders (third edition - revised) or subsequent editions:
 - Generalized anxiety disorder;
 - Organic mental syndromes (including dementia) with associated agitated states which are quantitatively and objectively documented and which constitute sources of distress or dysfunction to the resident or represent a danger to the resident or others;
 - Panic disorder;
 - Symptomatic anxiety that occurs in residents with another diagnosed psychiatric disorder (e.g., depression, adjustment disorder); and

5. Use is equal to or less than the following listed total daily doses, unless higher doses (as evidenced by the resident response and/or the resident's clinical record) are necessary for the improvement or maintenance in the resident's functional status.

SHORT-ACTING BENZODIAZEPINES		
Generic	Brand	Daily Oral Dosage
Lorazepam	(Ativan)	2mg
Oxazepam	(Serax)	30mg
Alprazolam	(Xanax)	0.75mg
Halazepam	(Paxipam)	40mg

OTHER ANXIOLYTIC AND SEDATIVE DRUGS

lower doses and when necessary only gradually increase doses. The facility may exceed these doses if it provides evidence to show why it was necessary for the maintenance or improvement in the resident's functional status.

For drugs in this category, a gradual dose reduction should be attempted at least twice within one year before one can conclude that the gradual dose reduction is "clinically contraindicated."

B. Benzodiazepine or other Anxiolytic/Sedative Drugs Use of the listed Anxiolytic/Sedative drugs for purposes other than sleep induction should only occur if:

1. Evidence exists that other possible reasons for the resident's distress have been considered and ruled out;
2. Use results in a maintenance or improvement in the resident's functional status;
3. Daily use (at any dose) is less than four continuous months unless an attempt at a gradual dose reduction is unsuccessful;
4. Use is for one of the following indications as defined by the Diagnostic and Statistical Manual of Mental Disorders (third edition - revised) or subsequent editions:
 - Generalized anxiety disorder;
 - Organic mental syndromes (including dementia) with associated agitated states which are quantitatively and objectively documented and which constitute sources of distress or dysfunction to the resident or represent a danger to the resident or others;
 - Panic disorder;
 - Symptomatic anxiety that occurs in residents with another diagnosed psychiatric disorder (e.g., depression, adjustment disorder); and

5. Use is equal to or less than the following listed total daily doses, unless higher doses (as evidenced by the resident response and/or the resident's clinical record) are necessary for the improvement or maintenance in the resident's functional status.

SHORT-ACTING BENZODIAZEPINES		
Generic	Brand	Daily Oral Dosage
Lorazepam	(Ativan)	2mg
Oxazepam	(Serax)	30mg
Alprazolam	(Xanax)	0.75mg
Halazepam	(Paxipam)	40mg

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Alprazolam	(Xanax)	0.25mg
Halazepam	(Paxipam)	20mg
Diphenhydramine	(Benadryl)	25mg
Hydroxyzine	(Atarax, Vistaril)	50mg
Chloral Hydrate	(Many Brands)	500mg

NOTES: Diminished sleep in the elderly is not necessarily pathological.

The doses listed are doses for "geriatric" or "elderly" residents. The facility is encouraged to initiate therapy with lower doses and when necessary only gradually increase doses. The facility may exceed these doses if it provides evidence to show why it was necessary for the maintenance or improvement in the resident's functional status.

Diphenhydramine, hydroxyzine, and chloral hydrate are not necessarily drugs of choice for sleep disorders. They are listed here only in the event of their potential use.

For drugs in this category, a gradual dose reduction should be attempted at least three times within six months before one can conclude that a gradual dose reduction is "clinically contraindicated."

D. Miscellaneous Hypnotic/Sedative/Anxiolytic Drugs

The initiation of the following hypnotic/sedative/anxiolytic drugs should not occur in any dose for any resident. (See Notes for exceptions.) Residents currently using these drugs or residents admitted to the facility while using these drugs should receive gradual dose reductions as part of a plan to eliminate or modify the symptoms for which they are prescribed. A gradual dose reduction should be attempted at least twice within one year before one can conclude that the gradual dose reduction is clinically contraindicated. Newly admitted residents using these drugs may have a period of adjustment before a gradual dose reduction is attempted.

(Caution: The Rapid withdrawal of these drugs might result in severe physiological withdrawal symptoms.)

BARBITURATES (EXAMPLES)

Generic	Brand
Amobarbital	(Amytal)

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Butabarbital	(Butisol, others)
Pentobarbital	(Nembutal)
Secobarbital	(Seconal)
Phenobarbital	(Many Brands)
Amobarbital-Secobarbital	(Tuinal)
Barbiturates with other drugs	(e.g., Fiorinal)

MISCELLANEOUS HYPNOTIC/SEDATIVE/ANXIOLYTICS

Generic	Brand
Glutethimide	(Doriden)
Methprylon	(Noludar)
Ethchlorvynol	(Placidyl)
Meprobamate	(Equinal, Miltown)
Paraldehyde	(Many Brands)

NOTES: Amobarbital is excepted from this Guideline when used as a single dose sedative for dental or medical procedures.

Phenobarbital is excepted from this Guideline when used in the treatment of seizure disorders.

When Miscellaneous Hypnotic/Sedative/Anxiolytic Drugs are used outside these Guidelines, they may be unnecessary drugs as a result of inadequate indications for use.

E. Antipsychotic Drugs

The following examples of antipsychotic drugs should not be used in excess of the listed doses for residents with organic mental syndromes (e.g., dementia, delirium) unless higher doses (as evidenced by the resident's response or the resident's clinical record) are necessary to maintain or improve the resident's functional status.

ANTIPSYCHOTIC DRUGS
FOR RESIDENTS WITH
ORGANIC MENTAL SYNDROMES

Generic	Brand	Daily Oral Dosage
Chlorpromazine	(Thorazine)	75 mg
Promazine	(Sparine)	150 mg
Triflupromazine	(Vesprin)	20 mg
Thioridazine	(Mellaril)	75 mg

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Mesoridazine	(Serentil)	25 mg
Acetophenazine	(Tindal)	20 mg
Perphenazine	(Trilafon)	8 mg
Fluphenazine	(Prolixin, Permitil)	4 mg
Trifluoperazine	(Stelazine)	8 mg
Chlorprothixene	(Taractan)	75 mg
Thiothixene	(Navane)	7 mg
Haloperidol	(Haldol)	4 mg
Molindone	(Moban)	10 mg
Loxapine	(Loxitane)	10 mg
Clozapine	(Clozaril)	50 mg
Prochlorperazine	(Compazine)	10 mg

NOTES: The doses listed are daily doses (usually administered in divided doses) for residents with organic mental syndromes. The facility is encouraged to initiate therapy with lower doses and when necessary only gradually increase doses. The facility may exceed these doses if it provides evidence to show why it is necessary for the maintenance or improvement in the resident's functional status.

The "specific conditions" for use of antipsychotic drugs are listed under this Guideline, item G.

The dose of prochlorperazine may be exceeded for short term (seven day) treatment of nausea and vomiting.

When antipsychotic drugs are used outside these Guidelines, they may be deemed unnecessary drugs as a result of excessive dose.

F. Monitoring for Antipsychotic Drug Side Effects The facility assures that residents who are undergoing antipsychotic drug therapy receive adequate monitoring for significant side effects of such therapy with emphasis on the following:

1. Tardive dyskinesia;
2. Postural (orthostatic) hypotension;
3. Cognitive/behavior impairment;
4. Akathisia; and
5. Parkinsonism.

When antipsychotic drugs are used without monitoring for these side effects, they may be unnecessary drugs because of inadequate monitoring.

G. Use of Antipsychotic Drugs

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Antipsychotic drugs should not be used unless the clinical record documents that the resident has one or more of the following "specific conditions":

1. Schizophrenia;
2. Schizo-affective disorder;
3. Delusional disorder;
4. Psychotic mood disorders (including mania and depression with psychotic features);
5. Acute psychotic episodes;
6. Brief reactive psychosis;
7. Chizophreniform disorder;
8. Atypical psychosis;
9. Tourette's disorder;
10. Huntington's disease;
11. Organic mental syndromes (including dementia and delirium) with associated psychotic and/or agitated behaviors:
 - a. Which have been quantitatively (number of episodes) and objectively (e.g., biting, kicking, scratching) documented;
 - b. Which are not caused by preventable reasons; and
 - c. Which are causing the resident to:
 - Present a danger to her/himself or to others,
 - Continuously cry, scream, yell, or pace if these specific behaviors cause an impairment in functional capacity, or
 - Experience psychotic symptoms (hallucinations, paranoia, delusions) not exhibited as dangerous behaviors or as crying, screaming, yelling, or pacing but which cause the resident distress or impairment in functional capacity; or
12. Short term (7 days) symptomatic treatment of hiccups, nausea, vomiting or pruritus.

Antipsychotics should not be used if one or more of the following is/are the only indication:

1. Wandering,
2. Poor self care,
3. Restlessness,
4. Impaired memory,
5. Anxiety,
6. Depression (without psychotic features),
7. Insomnia,
8. Unsociability,
9. Indifference to surroundings,
10. Fidgeting,
11. Nervousness,
12. Uncooperativeness, or
13. Agitated behaviors which do not represent danger to the resident or others.

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As needed or P.R.N. antipsychotic drugs should only be used when the resident has a "specific condition" for which antipsychotic drugs are indicated (that is, points one through twelve above, and one of the following circumstances exists:

1. The as needed or P.R.N. dose is being used to titrate the resident's total daily dose up to achieve symptom relief, or down to avoid side effects, or down to effect a gradual dose reduction, or
2. The as needed or P.R.N. dose is being used to manage unexpected harmful behaviors that cannot be managed without antipsychotic drugs. Under this circumstance, a P.R.N. antipsychotic drug may be used no more than twice in any seven day period without an assessment of the cause for the resident's behavioral symptoms, and the development of a plan of care designed to attempt to reduce or eliminate the cause(s) for the harmful behavior.

H. Antipsychotic Drug Gradual Dose Reduction

Residents must, unless clinically contraindicated, have gradual dose reductions of the antipsychotic drug. The gradual dose reduction should be under close supervision. If the gradual dose reduction is causing an adverse effect on the resident and the gradual dose reduction is discontinued, documentation of this decision and the reasons for it should be included in the clinical record. Gradual dose reductions consist of tapering the resident's daily dose to determine if the resident's symptoms can be controlled by a lower dose or to determine if the dose can be eliminated altogether.

"Behavioral interventions" means modification of the resident's behavior or the resident's environment, including staff approaches to care, to the largest degree possible to accommodate the resident's behavioral symptoms.

"Clinically contraindicated" means that a resident with a "specific condition" (as listed in these Guidelines under item G,1-11) who has had a history of recurrence of psychotic symptoms (e.g., delusions, hallucinations) which have been stabilized with a maintenance dose of an antipsychotic drug without incurring significant side effects (e.g., tardive dyskinesia) should not receive gradual dose reductions. In residents with organic mental syndromes (e.g., dementia, delirium), "clinically contraindicated" means that a gradual dose reduction has been attempted twice in one year and that attempt resulted in the return of symptoms for which the drug was prescribed to a degree that a cessation in the gradual dose reduction, or a return to previous dose levels was necessary.

I. Exceptions to These Guidelines

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The facility shall have the opportunity to provide a rationale for the use of drugs prescribed outside these Guidelines. The facility may not justify the use of a drug prescribed outside these Guidelines solely on the basis of "the doctor ordered it." The rationale must be based on sound risk-benefit analysis of the resident's problem and potential adverse effects of the drug.

The unnecessary drug criterion of "adequate indications for use" does not simply mean that the physician's order must include a reason for using the drug (although such order writing is encouraged). It means that the resident lacks a valid clinical reason for use of the drug as evidenced by the evaluation of some, but not necessarily all, of the following: resident assessment, plan of care, reports of significant change, progress notes, laboratory reports, professional consults, drug orders, observation and interview of the resident, and other information.

In determining whether an antipsychotic drug is without a "specific condition" or that "gradual dose reduction and behavioral interventions" have not been performed, the facility shall justify why using the drug outside these Guidelines is in the best interest of the resident.

Examples of evidence that would support a justification of why a drug is being used outside these Guidelines but in the best interests of the resident may include, but are not limited to:

1. A physician's note indicating, for example, that the dosage, duration, indication, and monitoring are clinically appropriate, and the reasons why they are clinically appropriate; this note should demonstrate that the physician has carefully considered the risk/benefit to the resident in using drugs outside these Guidelines;
2. A medical or psychiatric consultation or evaluation (e.g., Geriatric Depression Scale) that confirms the physician's judgment that use of a drug outside those Guidelines is in the best interest of the resident;
3. Physician, nursing, or other health professional documentation indicating that the resident is being monitored for adverse consequences or complications of the drug therapy;
4. Documentation confirming that previous attempts at dosage reduction have been unsuccessful;
5. Documentation (such as MDS documentation) showing resident's subjective or objective improvement, or maintenance of function while taking the medication;
6. Documentation showing that a resident's decline or deterioration is evaluated by the interdisciplinary team to determine whether a particular drug, or a particular dose, or duration of therapy, may be the cause;
7. Documentation showing why the resident's age, weight, or other

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- factors would require a unique drug dose or drug duration, indication, monitoring;
8. Other evidence which may be appropriate.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs

- 2) Code Citation: 89 Ill. Adm. Code 553

- 3) Section Numbers:

553.35	<u>Proposed Action:</u>
553.50	New Section
553.60	Amendments
553.105	New Section
553.110	Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, pars. 3434(a), (b), and (k)) [20 ILCS 2405/3(a), (b), and (k)].

- 5) A Complete Description of the Subjects and Issues Involved:

New Section 553.35 adds new criteria on determining eligibility of non-U.S. Citizens. Amendments to Section 553.50 correct an error in a citation in sub-section (a). Amendments to Section 553.60 clarify that, to be acceptable documentation for determination of eligibility, Special Education records must concern an individual who is currently receiving Special Education services, or has received such services within the last year. New Section 553.105 adds the requirement that after completion of the Comprehensive Assessment of Rehabilitation Needs, if the client does not have the necessary resources to be expected to complete his/her rehabilitation program, the rehabilitation counselor/instructor must assist the client in applying/obtaining any benefits for which the client is eligible which may provide the necessary support. Amendments to Section 553.110 clarify the provisions of the Comprehensive Assessment of Rehabilitation Needs Summary (Summary) and add sub-section (b) which clarifies the Summary must include statements concerning the severity of the individual's disability and eligibility based on the Order of Selection.

- 6) Will these proposed amendments replace any emergency amendment currently in effect? No.

- 7) Do these rulemakings contain an automatic repeal date? No.

- 8) Do these proposed amendments contain incorporation by reference? No.

- 9) Are there any other proposed amendment pending on this part? No.

- 10) Statement of Statewide Policy Objectives:
This is not applicable to this Rulemaking.

- 11) Time, Place and Manner in which interested persons may comment on these proposed rulemakings:

DEPARTMENT OF REHABILITATION SERVICES

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Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

The Department has determined that this rulemaking will not affect small businesses.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 553
ASSESSMENT FOR DETERMINING ELIGIBILITY AND
REHABILITATION NEEDS

Section

553.10	General Applicability
553.20	Basis for the Determination of Eligibility
553.30	Presumption of Benefit from Vocational Rehabilitation Services
553.35	Services to Non-United States Citizens
553.40	Eligibility Determination Time Frames
553.50	Outcome of the Eligibility Determination
553.60	Documentation of Eligibility Factors/Preliminary Assessment
553.70	Certification of Eligibility
553.80	Extended Evaluation
553.90	Outcome of Extended Evaluation
553.100	Comprehensive Assessment of Rehabilitation Needs
553.105	Assistance in Attaining Necessary Financial Support
553.110	Outcome of the Comprehensive Assessment of Rehabilitation Needs
553.120	Change in Eligibility Status
553.130	Order of Selection
553.140	Criteria for Severe Disability

AUTHORITY: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, pars. 3434(a), (b), and (k)) [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11657, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20346, effective November 15, 1993; amended at 18 Ill. Reg. _____, effective _____.

Section 553.35 Services to Non-United States Citizens

- a) DORS will not provide any services through its VR Program to any individual who is not a citizen of the United States who does not hold a proper visa or certification from the U.S. Immigration and Naturalization Services (INS) to allow him/her to be employed.
- b) DORS will provide services through its VR Program to an individual who is not a citizen of the United States provided that:
 - 1) the individual holds a proper visa or certification from the INS to allow him/her to be employed while in the United States;
 - 2) all other eligibility criteria described in this Part are met; and
 - 3) the individual is expected to remain in the United States for a period of not less than 60 days after the completion of services

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listed on his/her IWRP (89 Ill. Adm. Code 572) and can be expected to be gainfully employed during this period.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 553.50 Outcome of the Eligibility Determination

Prior to the end of the eligibility determination period (i.e., 60 days), one of the following must occur:

- the client is determined to be eligible to receive VR services based on the criteria set forth in Section ~~at--89--III--Adm--Code--553.20~~ 553.20. A Certification of Eligibility (89 Ill. Adm. Code 553.60) shall be completed and the individual shall enter a Comprehensive Assessment of Rehabilitation Needs to the extent needed by the individual (89 Ill. Adm. Code 553.100);
- an extended evaluation is determined necessary. A Certification of Extended Evaluation shall be completed and such an evaluation shall begin;
- the client, because of lack of a disability which for that individual constitutes or results in a substantial impediment to employment, is determined to be ineligible to receive services. A Certification of Ineligibility shall be completed and the individual's case closed;
- the client's case is closed for reasons other than ineligibility (e.g., the client has refused services or further services from DORS, the client cannot be located); or
- the client's case is closed as he/she is determined ineligible to receive services due to the fact he/she does not meet the required criteria (see 89 Ill. Adm. Code 553.20).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 553.60 Documentation of Eligibility Factors/Preliminary Assessment

Eligibility shall be assessed, to the maximum extent possible and practical, from existing medical and psychological records. Acceptable information for the purpose of verification of eligibility factors shall be:

- available medical records;
- available acceptable psychological or psychiatric records (see 89 Ill. Adm. Codes 553.120);
- verification of receipt of Supplemental Security Income awarded on the basis of disability;
- verification of receipt of Social Security Disability Income benefits awarded to the individual as a result of his/her disability;
- verification that the individual, ~~while--in--school--received~~ is receiving, or has within the last year received services through a special education program; or
- any other verification that the individual has been determined by

DEPARTMENT OF REHABILITATION SERVICES

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another educational or governmental agency to be an individual with a disability. Additional medical, psychological and psychiatric information shall be obtained only when there is no existing information on which to base the determination of eligibility, or there is conflict between existing records, or when a counselor has reason to question whether the record accurately reflects the current medical or psychological condition.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 553.105 Assistance in Attaining Necessary Financial Support

At the conclusion of the Comprehensive Assessment of Rehabilitation Needs, after the determination of a suitable vocational goal, if the client cannot be expected to be able to attain a successful employment outcome due to lack of financial resources and there are benefits for which the client can be expected to be eligible, the rehabilitation counselor/instructor must assist the client in making application for such benefits.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 553.110 Outcome of the Comprehensive Assessment of Rehabilitation Needs

a) When it is determined by the counselor that enough information has been gathered during the Comprehensive Assessment to adequately determine and plan the VR services necessary to ensure the individual a successful employment outcome in the area of his/her chosen employment goal, a Comprehensive Assessment Summary shall be completed by the counselor as part of the chronological record. The Comprehensive Assessment Summary shall identify, in detail, the specific impairments the individual has in obtaining his/her vocational goal, documentation of career counseling, consideration of the individual's unique strengths, resources, priorities, and interests needed to identify the nature and scope of services and the specific services that are expected to be necessary to assist the client in achieving his/her employment outcome.

b) The Comprehensive Assessment Summary must also include a statement addressing the severity of the individual's disability(ies) and addressing the individual's eligibility based on the Order of Selection (pursuant to Section 553.140).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Operator Service Providers

2) Code Citation: 83 Ill. Adm. Code 770

<u>Section Numbers:</u>	<u>Proposed Action:</u>
770.10	Amendment
770.20	Amendment
770.30	Amendment
770.40	New Section
770.50	New Section
770.60	New Section

4) Statutory Authority: Implementing and authorized by Section 13-901 of the Public Utilities Act [220 5/13-901].

5) Effective Date of Rule(s): September 1, 1994

6) Do these rulemakings contain an automatic repeal date? No

7) Do these rule contain incorporations by reference? Yes.
JCAR approval not required.

8) Date Filed in Agency's Principal Office: August 10, 1994

9) Notice(s) of Proposal Published in Illinois Register:
April 22, 1994, at 18 Ill. Reg. 6099.

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

Agency Note added.

Section 770.60 proposed language replaced.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s):

Section 13-901 of the Public Utilities Act was amended by P.A. 88-382, requiring the Commission to amend its rules on operator service providers to make them compatible with the rules of the Federal Communications Commission. The adopted amendments implement Section 13-901(b) of the Act by establishing operating requirements as required by that subsection. The adopted amendments will establish identification procedures, unblocking

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENTS

requirements, and restrictions on billing and charges.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Conrad Rubinkowski
Address: Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
Telephone: (217)785-8439

The full text of the Adopted Amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 770
OPERATOR SERVICE PROVIDERS

Section	Definitions
770.10	Standards of Service
770.20	Technical-Feasibility Requirements for Unblocking of Access
770.30	Restrictions on Billing and Charges
770.40	Contract/Tariff Provisions between Operator Service Providers and Aggregators
770.50	Enforcement of Rules
770.60	

AUTHORITY: Implementing and authorized by Section 13-901 of the Public Utilities Act [220 ILCS 5/13-901].

AGENCY NOTE: The reader is advised that Section 13-901 of the Public Utilities Act [220 ILCS 5/13-901, see P.A. 88-382] is scheduled to be repealed on July 1, 1997.

SOURCE: Adopted at 16 Ill. Reg. 17615, effective November 15, 1992; amended at 18 Ill. Reg. _____, effective _____.

Section 770.10 Definitions

"Access-codes" means the 9597--1-8807--02--10XXX--methods--of--gaining access--to--a--telecommunications--carrier--other--than--the--carrier prescribed-to-a-particular-telephone-by-an-aggregator.

"Access code" means a sequence of numbers that, when dialed, connects the caller to the provider of operator services associated with that sequence. These access codes include, but are not limited to, 950, 1-800 and 10XXX.

"Act" means the Public Utilities Act 7--111--Rev--Stat--19917--ch--111-2437-par--1-101-et-seq [220 ILCS 5].

"Aggregator" means every any person or entity which that is not a telecommunications-carrier--who an operator service provider and that in the ordinary course of its business operations makes telephones available to the public or to transient users of its business premises, including, but not limited to, a hotel, motel, hospital, or university, which--provides--operator-assisted--services--through for telephone calls between points within this State that are specified by the user using an operator service provider (Section 13-901 of the Act).

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NOTICE OF ADOPTED AMENDMENTS

"Call splashing" means the transfer of a telephone call from one provider of operator services to another such provider in such a manner that the subsequent provider is unable or unwilling to determine the location of origination of the call, and because of such inability or unwillingness is prevented from billing the call on the basis of such location.

"Commission" means the Illinois Commerce Commission.

"Consumer" means a person initiating any intrastate telephone call using operator services.

"Contract" means any contract that involves the provision of operator services.

"Customer"--means-the-person-making-a-telephone-call-using-a-telephone made-available-by-an-aggregator.

"Equal access" has the meaning given that term in Appendix B of the Modification of Final Judgment entered by the United States District Court on August 24, 1982 in United States v. Western Electric, Civil Action No. 82-0192 (D.D.C. 1982), as amended by the Court in its orders issued prior to September 1, 1994.

"Equal access code" means the 10XXX--methods--of--gaining--access--to--a telecommunications--carrier--other--than--the--carrier--prescribed-to-a-particular-telephone-by-an-aggregator an access code that allows the consumer to obtain an equal access connection to the carrier associated with that code.

"FCC" means the Federal Communications Commission.

"GDP Implicit Price Deflator" means the index that the Department of Commerce produces to measure the price level for a varied market basket of goods and services in the economy. The recorded measure of the GDP Implicit Price Deflator as reported by the WEFA Group is to be used for purposes of this Part.

"Operator service provider" or "OSP" means every telecommunications carrier which that provides operator-assisted operator services which assist--callers--in-the-placement-or-charging-of-a-call--either-through live-intervention-or-automated-intervention or any other person or entity that the Commission determines is providing operator services (Section 13-901 of the Act).

"Operator services" means any telecommunications service that includes, as a component, any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call between points within this State that are specified by the user.

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through a method other than:

Automatic completion with billing to the telephone from which the call originated;
Completion through an access code or a proprietary account number used by the consumer, with billing to an account previously established with the carrier by the consumer; or
Completion in association with directory assistance services (Section 13-901 of the Act).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 770.20 Standards of Service

- a) Each OSP shall provide customers with the rates, terms, or conditions for operator-assisted calls upon request and without charge.
- b) The OSP must inform the customer before the inception of billing of its identity. This notification may take either the form of verbal identification (including voice recording) by the OSP or of an informational message by visual display on or adjacent to the telephone equipment owned or controlled by the aggregator or by the OSP if the OSP owns or provides the telephone.
- c) All contracts between an operator service provider and an aggregator must contain language which assures that any person making a telephone call on any telephone owned or controlled by the aggregator or operator service provider can access the following:
 - 1) Where technically feasible, any other operator service provider certified by the Commission and operating in the relevant geographic area by allowing 950-1-800-10XXX, or other similar methods of access, unless the operator service provider or aggregator has received a waiver from the FCC of the requirement that blocking not occur;
 - 2) The local exchange carrier operator certified by the Commission and operating in the relevant geographic area; and
 - 3) The emergency telephone number that services the jurisdiction where the telephone is located (Section 13-901 of the Act).

a) Each provider of operator services shall:

- 1) identify itself, audibly and distinctly, to the consumer at the beginning of each telephone call and before the consumer incurs any charge for the call;
- 2) permit the consumer to terminate the telephone call at no charge before the call is connected; and
- 3) disclose immediately to the consumer, upon request and at no charge to the consumer:
 - A) a quotation of its rates or charges for the call;
 - B) the methods by which such rates or charges will be collected; and
 - C) the methods by which complaints concerning such rates,

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charges, or collection practices will be resolved.

- b) Each aggregator, person, or entity owning or controlling the telephone instrument shall post the following on or near the telephone instrument, in plain view of consumers:
 - 1) the name, address, and toll-free telephone number of the provider of operator services;
 - 2) a written disclosure that the rates for all operator-assisted calls are available on request, and that consumers have a right to obtain access to the carrier of their choice and may contact their preferred carrier for information on accessing that carrier's service using that telephone.
- c) Each aggregator shall ensure by contract or tariff that each of its telephones presubscribed to a provider of operator services allows the consumer to use "800", "950", and equal access code numbers (for example, "10XXX 0+") to obtain access to the provider of operator services desired by the consumer.
- d) Access to carriers via equal access codes shall be provided to consumers where equal access is available, according to the unblocking requirements in Section 770.30 of this Part.
- e) All 9-1-1 telephone calls shall be directed to the network as dialed.
- f) Upon receipt of any emergency telephone call, a provider of operator services shall immediately connect the call to the appropriate emergency service of the reported location of the emergency, if known, and, if not known, of the originating location of the call.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 770.30 Technical Feasibility Requirements for Unblocking of Access

- a) With the adoption of rules by the FCC (47-C.F.R. 64.704) concerning the unblocking of access, the Commission finds that the schedule set by the FCC for the unblocking of access to the interstate telecommunications network dictates the technical feasibility for the unblocking of all telephones subject to the interstate jurisdiction of the Commission.
- b) Each contract between an OSP and an aggregator shall provide that the aggregator for which such OSP is the presubscribed provider of operator services is in compliance with the requirements of subsection (c).
- c) Each aggregator or operator service provider shall, by the earliest applicable date set forth in this subsection, ensure that any of its equipment presubscribed to an operator services provider allows the customer consumer to use equal access codes to obtain access, where available, from the central office to the customer's consumer's desired provider of operator services. The timetable requirements for the unblocking of access for intrastate phone telephone calls are as follows:
 - 1) All equipment shall allow the customer consumer to use access

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codes other than equal access code to gain access to the customer's desired provider of operator services within 90 days after the effective date of this Part;

2) Each pay telephone shall, within six months of the effective date of this Part, allow the customer consumer to use equal access codes to gain access to the customer's desired provider of operator services;

3) All existing equipment that is technologically capable of identifying the dialing of an equal access code followed by any sequence of numbers that will result in billing to the originating telephone and that is technologically capable of blocking access through such dialing sequences without blocking access through other dialing sequences involving equal access codes shall, within six months after the effective date of this Part or upon installation, whichever is sooner, allow the customer consumer to use equal access codes to obtain access to the customer's desired provider of operator services;

4) All new equipment or software that is installed by an aggregator immediately upon installation by the aggregator, allow the customer consumer to use equal access codes to obtain access to the customer's desired provider of operator services;

5) All existing equipment that can be modified at a cost of no more than \$15.00 per line to be technologically capable of identifying the dialing of an equal access code followed by any sequence of numbers that will result in billing to the originating telephone and to be technologically capable of blocking access through such dialing sequences without blocking access through other dialing sequences involving equal access codes shall, within eighteen months of the effective date of this Part, allow the customer consumer to use equal access codes to obtain access to the customer's desired provider of operator services;

6) All equipment not included in subsections (a) (2) - (5) of this Section shall, no later than April 17, 1997, allow the customer consumer to use equal access codes to obtain access to the customer's desired provider of operator services.

d) b) The requirements of subsection (a) do not apply to the use by customer's consumers of equal access code dialing sequences that result in billing to the originating telephone.

c) The Commission shall grant a petition for a waiver from unblocking requirements of this Section when the FCC has granted the petitioner a waiver of the requirements of 47 C.F.R. 64.704.

d) All providers of operator services, except those employing a store-and-forward device that serves only consumers at the location of the device, shall provide an "800" or "950" access code number. If a local exchange carrier that provides operator services is not accessible from all aggregator phones in its service area, then the local exchange carrier shall provide an "800" or "950" access code number.

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(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 770.40 Restrictions on Billing and Charges

a) Restrictions on billing

1) Consumers shall be billed within one year after the date the service was provided.

2) The operator service provider (or its billing agent) shall be identified on the consumer's bill. Where technically feasible, the operator service provider shall be listed in lieu of, or in addition to, the billing agent.

3) Incorrect billing

A) Refunds for Completed Calls. In the event that a consumer is billed incorrectly for a completed call by the operator service provider due to an error either in charging more than the published rate, in measuring the quantity or volume of the service provided, or in charging for the incorrect class of service, the operator service provider shall refund the overcharge upon discovery or upon request.

B) Refunds for uncompleted calls. No operator service provider shall knowingly charge for uncompleted calls. All operator service providers shall make refunds for any paid uncompleted calls upon request.

C) Rate of interest. If the consumer has paid the bill in subsection (a)(3)(A) or (a)(3)(B) above, and the billing is later found to be incorrect, then the refund will be made with interest from the date of overpayment by the consumer. The rate of interest shall be the rate as established by the Commission to be paid on deposits in 83 Ill. Adm. Code 735.120(h)(1). The refund shall be accomplished by a credit on a subsequent bill for telephone service, or by check if so requested by the consumer.

b) Restriction on charges. A provider of operator services shall:

1) not bill for unanswered telephone calls in areas where equal access is available;

2) not knowingly bill for unanswered telephone calls where equal access is not available;

3) not bill for a call in a manner that does not reflect the location of the origination of the call, except as provided in subsection (b)(4) of this Section;

4) not engage in call splashing, as defined in Section 770.10, unless the consumer requests to be transferred to another provider of operator services, the consumer is informed prior to incurring any charges that the rates for the call may not reflect the rates from the actual originating location of the call, and the consumer then consents to be transferred.

c) Each provider of intrastate operator services shall comply with the following requirements:

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- 1) The maximum rates and charges to be charged by an operator service provider for usage charges shall not exceed the following rates:

Rate Mileage	Initial 1 Minute	Each Additional Minute
1-10	\$.2125	\$.1875
11-22	\$.2250	\$.2125
23-55	\$.2375	\$.2250
56-124	\$.2625	\$.2500
125-292	\$.2875	\$.2750
293+	\$.3000	\$.2875

- 2) The maximum rates and charges for operator surcharges shall not exceed the following rates:

- A) Operator Station (consumer dialed 0+) collect, billed to third number, coin call, or billed to a calling card: \$2.50;
- B) Operator Station (operator dialed 0-) collect, billed to third number, coin call, or billed to a calling card: \$3.75;
- C) Person-to-Person (consumer dialed 0+ and operator dialed 0-) billed to a calling card: \$4.50;
- D) Person-to-person (consumer dialed 0+) collect, billed to third number, or coin call: \$4.50; and
- E) Person-to-person (operator dialed 0-) collect, billed to third number, or coin call: \$5.75.

- d) All charges shall be included in the amounts authorized by subsection (c) above.

- e) The amounts authorized in subsection (c) shall be escalated annually by the percentage change in the GDP Implicit Price Deflator with the first adjustment to be effective January 1, 1995. In December of each year the Commission shall announce the rate of inflation and the new maximum price levels for the next year.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 770.50 Contract/Tariff Provisions between Operator Service Providers and Aggregators

- a) Each provider of operator services shall ensure, by contract or tariff:

1) that each aggregator for which such provider is the presubscribed provider of operator services is in compliance with the requirements of Sections 770.20 and 770.30 of this Part;

2) that payment (on a location-by-location basis) of any compensation, including commissions, will be withheld to aggregators if such provider reasonably believes that the

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- aggregator is blocking access to intrastate common carriers in violation of Section 770.20(c) and (d).

- b) For purposes of this Part, telephones in the following locations will not be considered aggregator locations:

- 1) Those areas of mental health facilities as defined in Section 1-114 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-114] or developmental disability facilities as defined in Section 1-107 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-107] that are not accessible to the public; and
- 2) Those areas of correctional institutions or facilities as defined in Section 3-1-2 of the Unified Code of Corrections [730 ILCS 5/3-1-2], county jails and detention centers, or any detention facility operated by a unit of local government that are not accessible to the public.

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 770.60 Enforcement of Rules

- a) Upon receipt of a complaint of a violation of this Part, the Commission may initiate a proceeding to revoke the Certificate of Service Authority of an operator service provider or an aggregator alleged to be in violation of this Part, or may initiate a proceeding to terminate service to an operator service provider or an aggregator alleged to be in violation of this Part.

- b) A copy of the Commission's order in either proceeding shall be served on the designated agent of the operator service provider and on the aggregator, if known. The Commission shall set the matter for hearing within 30 days after its order. The procedures for such hearing to review alleged violations shall follow 83 Ill. Adm. Code 200, "Rules of Practice."

- c) The Commission shall issue its final order within 90 days after the order initiating the proceeding. Certified copies of the order shall be served on the designated agent for the operator service provider and on the aggregator, if appropriate.

- d) A telecommunications carrier shall terminate service to the operator service provider or the aggregator that is found to be in violation of this Part within 14 days after the Commission's order.

- e) A violation of this Part is a business offense subject to a fine of not less than \$1,000 nor more than \$5,000.

(Source: Added at 18 Ill. Reg. _____, effective _____)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Distribution of Database Information
- 2) Code Citation: 1 Ill. Adm. Code 255
- 3) Section Numbers: Adopted Action:
255.10 New Section
255.20 New Section
- 4) Statutory Authority: 5 ILCS 100/5-80 and 135 and Public Act 88-535, effective January 26, 1994
- 5) Effective Date of Rule(s): August 16, 1994
- 6) Do these rulemakings contain an automatic repeal date? No
- 7) Do these rule contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office:
- 9) Notice(s) of Proposal Published in Illinois Register:
June 17, 1994, 18 Ill. Reg. 8792
- 10) Has JC&R issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
1. In line 10, "135" was changed to "5-135".
2. In line 34, "217/785/2254" was changed to "217/785-2254".
3. In line 79, "Database" was changed to "database".

12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes

13) Will this rule replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule(s):
This rulemaking, implementing PA 88-535/HB 2082, establishes fees and procedures for the release of the electronically stored database of the Illinois Register and the Illinois Administrative Code in an electronically stored medium. The established fee is \$300 per megabyte or part of a megabyte, without proration.

16) Information and questions regarding these adopted rules shall be directed to:

Name: Vicki Thomas
Address: Executive Director
Joint Committee on Administrative Rules

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED RULES

700 Stratton Building
Springfield IL 62706
Telephone: (217) 785-2254

The full text of the Adopted Rules begins on the next page:

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED RULES

TITLE 1: GENERAL PROVISIONS
CHAPTER II: JOINT COMMITTEE ON ADMINISTRATIVE RULESPART 255
DISTRIBUTION OF DATABASE INFORMATION

Section
255.10 Purpose
255.20 Procedures and Fees for Requesting Electronically Stored Data

AUTHORITY: Implementing Section 5-80 and authorized by Section 5-135 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-80 and 1005-135) [5 ILCS 100/5-80 and 135] (see P.A. 88-535, effective January 26, 1994).

SOURCE: Emergency rules adopted at 18 Ill. Reg. 5359, effective March 22, 1994, for a maximum of 150 days; adopted at 18 Ill. Reg. _____, effective _____.

Section 255.10 Purpose

In accordance with PA 88-535, the purpose of this Part is to insure that the electronically stored database of the Illinois Register and the Illinois Administrative Code (database) is made available in an electronically stored medium to those who request it.

Section 255.20 Procedures and Fees for Requesting Electronically Stored Data

- a) The Illinois Administrative Code, in its entirety and by individual Titles, and the Illinois Register shall be made available to the public, for a reasonable fee as established in subsection (e) below, in an electronically stored medium. Updates of the Illinois Administrative Code shall also be made available from time to time for a reasonable fee as described in subsection (e) below.
- b) All requests for electronically stored database materials shall be submitted in writing to the Executive Director of the Joint Committee on Administrative Rules (JCAR), at 700 Stratton Bldg., Springfield IL 62706 and shall contain the name, address and telephone number of the requestor. Persons wanting further information can contact JCAR at 217-785-2254.
- c) The Director shall determine the following, depending upon the technical capabilities of the LIS system, the availability of JCAR and LIS staff resources and the availability of LIS computer time:
 - 1) the extent of the database materials to be released;
 - 2) the timing of the release (i.e., the materials being transferred are current as of a specified date); and
 - 3) the electronic format and storage medium of the release.
- d) All persons, corporations, associations or entities that request electronically stored materials from the database shall sign a

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF ADOPTED RULES

Database Distribution Agreement.

- e) The fee for electronically stored materials from the database shall be \$300 per megabyte or part of a megabyte, without proration.
- f) Payment by check or money order is required in advance of transfer of the database materials. Revenues will be deposited in the General Assembly Computer Equipment Revolving Fund. Payment is not refundable.
- g) The Director shall determine the frequency of the availability of database updates.
- h) The requestor shall supply postage paid mailing supplies or access to an express mailing account for mail delivery of database materials. The requestor shall supply the medium, designated by the Director, for the electronic transfer. If technical capabilities of LIS and the requestor allow, the Director may provide for direct transfer of database material without the use of an intermediary medium.
- i) JCAR shall require any person who obtains electronically stored database materials from JCAR and publishes or otherwise distributes the contents to deliver to JCAR without charge, immediately upon publication, at least one copy of the publication in the same form in which it is published, whether in print, electronic, or other medium.
- j) If the requestor intends to distribute the electronically stored database information to a third party, and edits or otherwise changes the text of the database or determines that changes in the the database are necessary, the requestor shall notify JCAR in writing of each change.
- k) The electronically stored database information is for the sole use of the requestor. The database shall not be resold or otherwise provided to any other individual or entity for distribution to end users except the requestor may use the database for the intended purpose of disseminating the Illinois Administrative Code or parts thereof, or the Illinois Register, to its customers or subscribers for their end use, in print, electronic or other medium. The requestor may not use the Database materials for any other purpose except with the written consent of JCAR and for reasonable consideration to be based on the nature of the requested use.

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SECRETARY OF STATE

program. This is because the electronic copy of the adopted version contained on the Legislative Information System database. Also, the four non-original copies of adopted rules shall be stapled. 5. In Section 100.670, Emergency Rules shall be submitted for publication in the Illinois Register to the Index Department in either an ASCII format file or an acceptable word processing program. 6. Other non-substantive grammatical and technical changes.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect?
No

14) Are there any amendments pending this part? No

15) Summary and Purpose of amendments: The amendments require agencies to submit an ASCII format copy or acceptable word processing copy of rules and other material for publication in the Illinois Register to the Index Department.

16) Information and questions regarding this amendment part shall be directed to:

Joseph Natale
Index Department
111 E. Monroe
Springfield, IL 62756
217-782-7017

The full text of the Adopted Amendments begin on the next page:

NOTICE OF ADOPTED AMENDMENTS(S)

SECRETARY OF STATE

TITLE 1: GENERAL PROVISIONS
CHAPTER I: SECRETARY OF STATE
PART 100
RULEMAKING

SUBPART A: DEFINITIONS AND CODIFICATION

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100.110	Definitions
100.120	Agencies Covered
100.130	Illinois Administrative Code Organization
100.140	Codification Outline
100.150	Notice of Codification Changes
100.160	Deletion or Transfer of Rules
100.170	Re-using Part or Section Numbers (Renumbered)
100.180	Style Manual

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100.220	Publication Requirements
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100.260	Indexes
100.270	Illinois Register Availability
100.280	Fees
100.290	Uncodified Rules (Repealed)

SUBPART C: RULE DRAFTING REQUIREMENTS

Section	
100.300	Headings
100.310	Table of Contents
100.315	Re-using Part or Section Numbers
100.320	Authority Note
100.330	Source Notes
100.335	Automatic Repeal of Rules
100.340	Text of the Part; Subsections
100.345	Renumbering Sections within a Part
100.350	Supplementary Material
100.360	Proper Format
100.370	Citation of Codified Rules
100.380	Statutory Language and Statutory Citations

NOTICE OF ADOPTED AMENDMENTS(S)

SECRETARY OF STATE

100.385 Incorporation by Reference; Citation of Referenced Material
 100.390 Footnotes; Agency Notes; Editor's Notes

SUBPART D: PROPOSED RULES

Section
 100.400 Required Notice Periods
 100.410 Notice of Proposed Rules
 100.415 Other Statutory Requirements for Rulemaking
 100.420 Text of Proposed Rules
 100.430 Notice of Corrections
 100.440 Notice of Modification, Withdrawal, or Refusal to Modify or Withdraw a Rule
 100.445 Requirements for Submitting Materials for Register Publication
 100.450 Administrative--Code--Division Index Department Review of Proposed Rules

SUBPART E: ADOPTED RULES

Section
 100.500 Requirements for Filing
 100.510 Other Documents Required for Filing Adopted Rules
 100.520 Requirements for Illinois Register Publication
 100.530 Notice of Adopted Rules
 100.540 Text of Adopted Rules
 100.545 Code--Division Index Department Review of Adopted Rules
 100.550 Certificate of Review and Approval

SUBPART F: EMERGENCY RULES

Section
 100.600 Filing; Agency Certification
 100.610 Notice of Emergency Rules
 100.620 Text of Emergency Rules
 100.630 File Copy of Emergency Rules
 100.640 Effectiveness
 100.650 Adoption as a Permanent Rule
 100.655 Code--Division Index Department Review of Emergency Rules
 100.660 Certificate of Review and Approval
 100.670 Modification of an Emergency Rule
 100.680 Repeal of an Emergency Rule

SUBPART G: PEREMPTORY RULES

Section
 100.700 Submission; Agency Certification
 100.710 Notice of Peremptory Rules
 100.720 Text of Peremptory Rules
 100.730 File Copy of Peremptory Rules

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100.735 Code--Division Index Department Review of Peremptory Rules
 100.740 Certificate of Review and Approval

SUBPART H: INTERNAL RULES

Section
 100.800 Requirements
 100.810 Effectiveness; Exemption from Notice
 100.815 Code--Division Index Department Review of Internal Rules
 100.820 Certificate of Review and Approval

SUBPART I: PROHIBITED FILING

Section
 100.900 Certified Statements from Joint Committee on Administrative Rules
 100.910 Prohibition of the Filing of Rules
 100.920 Continuation of Prohibition

SUBPART J: PUBLIC INSPECTION AND COPYING

Section
 100.1000 Certified Rules; Inspection
 100.1010 Photocopies and Fees
 100.1020 Illinois Administrative Code
 100.1025 Public Domain
 100.1030 State Property (Repealed)

SUBPART K: MISCELLANEOUS

Section
 100.1100 Recodification of Rules
 100.1110 Notice of Recodification
 100.1115 Code--Division Index Department Review of Recodified Rules
 100.1120 Certificate of Review and Approval
 100.1130 Format for Register Publication of Notices of the Joint Committee on Administrative Rules
 100.1140 Code--Division Index Department Review of Other Notices and Materials Submitted for Register Publication
 100.1150 Regulatory Agendas
 100.1160 Regulatory Flexibility Notice

SUBPART L: ILLINOIS ADMINISTRATIVE CODE

Section
 100.1200 Availability
 100.1210 Fees

APPENDIX A Proposed Rules

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ILLUSTRATION A Notice of Proposed Rules
 ILLUSTRATION B Notice of Withdrawal of Proposed Rules
 ILLUSTRATION C Notice of Modification, Withdrawal or Refusal in Response to an Objection by the Joint Committee on Administrative Rules

ILLUSTRATION D Notice of Corrections to Proposed Rules
 ILLUSTRATION E Notice of Public Hearing on Proposed Rules
 ILLUSTRATION F Notice of Corrections to Notice Only (Renumbered)

APPENDIX B Adopted Rules

ILLUSTRATION A Notice of Adopted Rules
 ILLUSTRATION B Text of Adopted Rules (Repealed)
 ILLUSTRATION C Agency Certification
 ILLUSTRATION D Format for Filing Codified Rules
 ILLUSTRATION E Notice of Automatic Repeal of Adopted Rules
 ILLUSTRATION F Notice of Corrections to Adopted Rules
 ILLUSTRATION G Request for Expedited Correction
 ILLUSTRATION H Refusal to Certify Expedited Correction
 ILLUSTRATION I Notice of Expedited Correction

APPENDIX C Emergency Rules

ILLUSTRATION A Notice of Emergency Rules
 ILLUSTRATION B Text of Emergency Rules (Repealed)
 ILLUSTRATION C Agency Certification of Emergency Rules
 ILLUSTRATION D Notice of Modification to Emergency Rules
 ILLUSTRATION E Peremptory Rules
 ILLUSTRATION A Notice of Peremptory Rules
 ILLUSTRATION B Text of Peremptory Rules (Repealed)
 ILLUSTRATION C Agency Certification of Peremptory Rules
 ILLUSTRATION D Notice of Automatic Repeal of Peremptory Rules

APPENDIX E Miscellaneous

ILLUSTRATION A Notice of Recodification
 ILLUSTRATION B Notice of Corrections to Notice Only
 ILLUSTRATION C Certificate of Review and Approval
 ILLUSTRATION D Notice of Codification Changes
 ILLUSTRATION E Format for Statements of Objections or Recommendations Issued by the Joint Committee on Administrative Rules
 ILLUSTRATION F Regulatory Agenda
 ILLUSTRATION G Regulatory Flexibility Notice

AUTHORITY: Implementing and authorized by the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1-et-seq].

SOURCE: Adopted at 7 Ill. Reg. 10880, effective September 1, 1983; amended at 7 Ill. Reg. 16460, effective January 1, 1984; amended at 8 Ill. Reg. 12488, effective July 1, 1984; amended at 8 Ill. Reg. 19831, effective October 1, 1984; emergency amendments at 9 Ill. Reg. 427, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9180, effective May 31, 1985; emergency amendments at 10 Ill. Reg. 4014, effective February 19, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12080, effective July 1, 1986;

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amended at 11 Ill. Reg. 724, effective January 1, 1987, and May 1, 1987; amended at 15 Ill. Reg. 13939, effective September 10, 1991; amended at 17 Ill. Reg. 10414, effective July 1, 1993; amended at 18 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS AND CODIFICATION

Section 100.100 Rulemaking Compliance

This Part describes the procedures involved in promulgating rules in codified form, including both Illinois Register publication and filing requirements. All rules filed with the ~~Administrative Code Division~~ Index Department must be in compliance with the rulemaking system described within this Part pursuant to Article 5 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-1 et seq.). [5 ILCS 100/5]

(Source: Amended at 18 Ill. Reg. _____, effective _____.)

Section 100.110 Definitions

The following definitions shall apply to this Part:

"Act": The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-1 et seq.) [5 ILCS 100/1-et-seq]. Also referred to as the IAPA.

"Administrative Code Division": A division of the Index Department of the Office of Secretary of State which coordinates the codification process, maintains the official file of rules of the state's agencies, and publishes the Illinois Register and the Illinois Administrative Code. ~~Also referred to as "Code Division".~~

"Agreements": All changes made by agreement between an agency and the Joint Committee on Administrative Rules during the second notice period.

"Amendment": A change to a Section including added language, deleted language and/or renumbering. A Part is also amended by the addition or repeal of a Section.

"Appendix": Supplementary material to the Part such as diagrams, charts, maps, and explanatory information. Such material appears at the end of the Part and is labeled with capital letters. A maximum of 10 Appendices, Tables, Exhibits or Illustrations may be used per Part. The use of such material is discouraged and should be used only when absolutely necessary. Exhibits, Illustrations, and Tables may also appear as subsections of one another.

"Authority": The right or power to promulgate rules. Such authority

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appears in the Illinois Revised Statutes or in an Executive Order of the Governor. (See Section 100.320)

"Authority Note": The paragraph appearing after a Part's table of contents which cites the statutes ~~of--Public--Acts~~ the Part is implementing, and the statutes that give the agency the authority to promulgate rules. (See Section 100.320)

"Camera-Ready Copy": A clear, legible, original document which is clear and legible when reproduced, even when reduced by 50% in reproduction. A document is camera-ready when it is clearly typed (or produced on word processing or computer equipment) in solid black ink on one side of an 8 1/2 by 11 inch sheet of white paper (uncoded stock). Neither dot matrix type nor photocopies are considered to be camera-ready. Uncoded stock means that bond paper with a visible watermark (when the paper is held up to the light) shall not be used.

"Certificate of Expedited Correction": The certificate issued by the Joint Committee on Administrative Rules to the Administrative-Code Division Index Department certifying that an adopted rule has been corrected pursuant to Article 5 of the Act. [5 ILCS 100/5-85] See Appendix B, Illustration I.

"Certificate of Review and Approval": The Certificate issued to an agency for a Part, amendments to a Part, or a repeal of a Part stating that the Section(s) within a Part has been reviewed by the Administrative Code Division and that the Part meets the specifications of the Illinois Administrative Procedure Act. (The Certificate is filed in the Code-Division Index Department with the adopted rules.) (See Section 100.550 and 100.Appendix E, Illustration C)

"CFR": The abbreviation used to designate the Code of Federal Regulations, the publication containing the rules of federal agencies and which is updated by the Federal Register (FR).

"Chapter": A division of the Illinois Administrative Code. Each Chapter within the Code designates a state agency.

"Citation": The citation of a state or federal rule containing the information necessary for the reader to locate the rule in the Code of Federal Regulations or the Federal Register, the Illinois Administrative Code or the Illinois Register.

"Code": The Illinois Administrative Code (abbreviated "Ill. Adm. Code").

"Code Citation": A citation to the Illinois Administrative Code. Such citation contains the Title number, the Code abbreviation (Ill. Adm.

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Code) and the Part or Section number and/or other unit of the Code and its label. (See Section 100.370)

"Codification": Assigning a numbering system to rules which meets the criteria set forth in the Act and this Part.

"Cover Letter": The letter which must accompany all documents submitted to the Administrative-Code-Division Index Department for filing and/or publication. Such letter must detail the documents which it accompanies with specific instructions for the Code-Division Index Department's handling of the material (e.g., including but not limited to, whether the material is to be published in the Register, filed as adopted or reviewed by the Code-Division Index Department's staff).

"Emergency Rule": A rule (or amendment or repeal) adopted without prior notice or hearing due to a situation which the agency finds constitutes a threat to the public interest, safety or welfare. Emergency rules expire 150 days after filing and may not be adopted more than once in a 24-month period except as specified in Section 5-45 of the Act. (See 1 Ill. Adm. Code 100.Subpart F)

"Expedited Correction": A correction of the text of a rule adopted by an agency and filed with the Secretary of State effectuated pursuant to Section 5-85(b) of the Act.

"General Assembly": The Illinois Senate and the House of Representatives and their respective committees.

"Heading": The name of a division of the Code (for example, the heading for this Part is "Rulemaking" (See Section 100.130)); also the information which must appear at the top of each page for both Register publication (includes the Register heading, the agency name and the type of rulemaking action) (See 100.Appendix A, Illustration A)) and for codified rules filed with the Administrative-Code-Division Index Department (includes the Title, Subtitle (if applicable), Chapter, Subchapter (if applicable), Part, Subparts (if applicable), and Section numbers -- (See 100.Appendix B, Illustration D)). (See Section 100.300)

"Illinois Administrative Procedure Act": See "Act"

"Illinois Compiled Statutes": The laws of Illinois as codified pursuant to Section 5.04 of the Legislative Reference Bureau Act (Ill. Rev. Stat. 1991, ch. 63, par. 29.4; see P.A. 87-1005) [25 ILCS 135/5.04] (abbreviated "ILCS")

"Illinois Register": The weekly publication which contains the rulemaking activity of the state's agencies, JCAR notices, the

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Governor's Executive Orders and Proclamations and other materials required by statute. (abbreviated "Ill. Reg.") Also referred to as "Register."

"Illinois Revised Statutes": The laws of Illinois as codified. (abbreviated "Ill. Rev. Stat.")

"Implemented Statutes": Those laws contained in the Illinois Compiled Statutes which an agency promulgates rules to supplement or further define. (See Section 100.320)

"JC&R": The abbreviation for the Joint Committee on Administrative Rules, the legislative support services agency responsible for reviewing current rules of the state's agencies as well as all rulemaking action.

"Label": The number or letter assigned to the divisions of the Code.

"LIS": The abbreviation for the Legislative Information System, the agency responsible for the data processing requirements of the General Assembly.

"Main Source Note": The paragraph following the Part's authority note which traces the history of the Part. (See Section 100.330)

"Notice of Recodification": The Notice published in the Illinois Register when an existing Part's number is changed but the text remains the same, portions of a Part are renumbered, including splitting one Section into two or more Sections or combining two or more Sections into one Section, or an entire Part is renumbered without changing substantive text. (See also "Recodification")

"P.A.": The abbreviation for Public Act, a law enacted by the Illinois General Assembly.

"P.L.": The abbreviation for Public Law, a law enacted by the United States Congress.

"Part": A division of the Code; the designation for a unified set of Sections (rules) related to a single function of the agency. A maximum of four digits may be used for a Part number.

"Peremptory Rule": A rule or amendment necessitated by federal laws, federal rules or court orders which preclude compliance with the general rulemaking requirements of the Act as specified in Section 5-50 of the Act. (See Subpart G).

"Recodification": The process of reassigning Code division labels to an existing Part while not changing substantive text. This includes

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the renumbering of an entire Part to a new Part number, renumbering entire Sections within a Part, splitting one Section into two or more Sections, moving part of a Section to another Section, combining two or more Sections into one Section and moving Sections (or subsections) of one Part to a different Part. (See "Notice of Recodification")

"Refusal to Certify Expedited Correction": The decision by the Joint Committee on Administrative Rules to not approve an Expedited Correction. This notice shall be published in the Register.

"Regulatory Flexibility Analysis": An analysis of how the rule may affect small businesses, not for profit corporations or small municipalities. An agency proposing new rules or amendments must include an Initial Regulatory Flexibility Analysis (see Section 5-30 of the Act) on the Notice of Proposed Rules. A Final Regulatory Flexibility Analysis must accompany the agency's submission of its proposed rules to JC&R for the second notice period, pursuant to Section 5-40(c) of the Act. (See also Section 100.415(a) of this Part.)

"Renumbering": The term used when the number(s) of one or more Section(s) but not all Sections of a Part are being changed within the same Part. Renumbering involves entire Sections. (For Sections being split into two or more Sections or combined into one Section, please refer to "Recodification.") Replacement pages are required for renumbered Sections where no text remains. The order of the Sections must still remain in strict numerical order, and, if the Part has Subparts, the Subparts must remain in strict alphabetical order and the Sections must remain in strict numerical order. Therefore, when more than six Sections are being renumbered within one Part, or when Sections within Subparts are renumbered into other Subparts thereby throwing off the strict alphabetical order of the Subparts or the strict numerical order of the Sections, recodification is required rather than renumbering. In this instance and for renumbering Sections of one Part to another Part or renumbering an entire Part to a new Part number, please refer to "Recodification".

"Repeal": The process of rescinding (revoking, canceling) a rule.

"Replacement Page": The page which must be filed with the Code Division Index Department when a Section has been renumbered, recodified or repealed or an entire Part has been recodified or repealed, and no text remains. The table of contents page when an emergency rule or amendment has been allowed to expire without permanent adoption.

"Request for Expedited Correction": The request an agency files with the Joint Committee on Administrative Rules and which the Joint Committee on Administrative Rules forwards to the Administrative-Code

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Division Index Department, requesting an expedited correction for an adopted rulemaking. (See Section 5-85 of the Act)

"Rule": Each agency statement of general applicability that implements, applies or interprets policy; a Section of a Part. (See Section 1-70 of the Act)

"Secretary of State": The Administrative Code Division, a division of the Index Department of the Secretary of State's office.

"Section": A division of the Code; a rule which focuses on a single concept. A Section is a unit of a Part.

"Section Number": The number used to identify the Section. The Part number always precedes the decimal point in a Section number. (For example, this Section is Section 100.110.) A maximum of four digits may be used after the decimal point to identify Sections of a Part. Expansion room should be left between Section numbers for future additions to the Part.

"Section Source Note": A statement following a Section of a Part which indicates the last action (other than codification) on that Section unless that action was the original filing of the Part. (See Section 100.330)

"Short Title": A title of an Act which should be used to identify that Act. Unless a short title is actually specified in the Act itself, a short title may not be used. Whenever a short title is referenced, it shall not appear in quotation marks.

"Source Notes": Statements containing the history of the rule including the current action. (See "Main Source Note" and "Section Source Note")

"Statement of Statewide Policy Objectives": The statement as specified in Section 5 of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2205) [30 ILCS 805/5] and which must appear on the Notice of Proposed, Emergency or Peremptory Rules. (See Sections 100.410(a)(10), 100.415(b), 100.610(a)(11) and 100.710(a)(12) of this Part and Section 5-10(d) of the Act.)

"Statutory Citation": The citation of an Act, either state or federal, containing the information necessary for the reader to locate the Act in the Illinois Revised Statutes, the Illinois Compiled Statutes, the Illinois annotated statutes, the United States Code, and the United States Code Annotated. Also, the citation of a state or federal rule containing the information necessary for the reader to locate the rule in the Code of Federal Regulations or the Federal Register, the Illinois Administrative Code or the Illinois Register.

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"Style Manual": The manual prepared by the Administrative Code Division Index Department which is to be used in conjunction with this Part and the IPA and which gives examples for agencies to follow when promulgating rules in codified format.

"Subchapter": A division of the Code; the designation for a group of related Parts under a single agency (Chapter). Subchapters may correspond to organizational divisions of the agency.

"Subpart": A division of the Code; the designation used to indicate major divisions within a Part. Subparts may correspond to different groups of people affected by the Part.

"Subsection": A division of a Section. A maximum of four levels of subsections may be used. (See Section 100.340)

"Subtitle": A division of the Code; the designation for subject areas within a Title which are focused on particular issues or subjects but which involve the rules of more than one agency.

"Title": A division of the Code; the designation for a broad subject area.

"U.S.C.": The abbreviation for the United States Code, the official publication containing the laws of the United States.

"U.S.C.A.": The abbreviation for the annotated edition of the United States Code.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.140 Codification Outline

The 33 Titles of the Code, with their applicable Subtitles, are listed below. If an agency does not know where it appears in the Code outline, it must contact the Administrative Code Division Index Department, which maintains a detailed outline including Chapters, Subchapters and Parts.

Title 1: General Provisions

Title 2: Governmental Organization

Subtitle A: Legislative Agencies

Subtitle B: Courts and the Judiciary

Subtitle C: Individual Constitutional Officers

Subtitle D: Code Departments

Subtitle E: Miscellaneous State Agencies

Subtitle F: Educational Agencies

Title 3: Legislature

Subtitle A: General Assembly

Subtitle B: Legislative Management Agencies

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- Title 4: Discrimination Procedures
 Title 8: Agriculture and Animals
 Title 11: Alcohol, Horse Racing, and Lottery
 SubTitle A: Alcohol
 SubTitle B: Horse Racing
 SubTitle C: Lottery
 Title 14: Commerce
 SubTitle A: Regulation of Business
 SubTitle B: Consumer Protection
 SubTitle C: Economic Development
 Title 17: Conservation
 Title 20: Corrections, Criminal Justice, and Law Enforcement
 Title 23: Education and Cultural Resources
 SubTitle A: Education
 SubTitle B: Cultural Resources
 Title 26: Elections
 Title 29: Emergency Services, Disasters, and Civil Defense
 Title 32: Energy
 Title 35: Environmental Protection
 SubTitle A: General Provisions
 SubTitle B: Air Pollution
 SubTitle C: Water Pollution
 SubTitle D: Mine Related Water Pollution
 SubTitle E: Agriculture Related Water Pollution
 SubTitle F: Public Water Supplies
 SubTitle G: Waste Disposal
 SubTitle H: Noise
 SubTitle I: Atomic Radiation
 SubTitle J: Environmental Research
 SubTitle K: Environmental Financing
 SubTitle L: Environmental Occupations
 Title 38: Financial Institutions
 Title 41: Fire Protection
 Title 44: Government Contracts, Procurement and Property Management
 SubTitle A: General Procurement
 SubTitle B: Supplemental Procurement Rules
 SubTitle C: Governmental Records
 SubTitle D: Property Management
 SubTitle E: Miscellaneous Provisions
 Title 47: Housing and Community Development
 Title 50: Insurance
 Title 53: Intergovernmental Relations
 Title 56: Labor and Employment
 Title 59: Mental Health
 Title 62: Mining
 Title 68: Professions and Occupations
 Title 71: Public Buildings, Facilities, and Real Property
 Title 74: Public Finance
 Title 77: Public Health

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- Title 80: Public Officials and Employees
 SubTitle A: Merit Employment Systems
 SubTitle B: Personnel Rules, Pay Plans, and Position Classifications
 SubTitle C: Labor Relations
 SubTitle D: Retirement Systems
 SubTitle E: Ethics
 SubTitle F: Employee Benefits
 SubTitle G: Payroll Deductions
 SubTitle H: Deferred Compensation
 SubTitle I: General Travel Control
 Title 83: Public Utilities
 Title 86: Revenue
 Title 89: Social Services
 Title 92: Transportation
 Title 95: Veterans and Military Affairs
 (Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.150 Notice of Codification Changes

- a) Style changes may be made by the Administrative-Code-Division Index Department in the codification of rules to:
- 1) facilitate the public's use of the Code,
 - 2) comply with the requirements of the computer data base, or
 - 3) bring previously filed codified rules into compliance with the current codification style.
- b) When such changes are made to codified rules, they are nonsubstantive and do not affect the meaning of the text.
- c) Before filing codified rules with style changes, the Administrative-Code--Division Index Department will notify the agency of all changes made and will request a certification from the agency authorizing the rules as changed to be filed.
- d) The Administrative-Code-Division Index Department will publish, upon receipt of the certification from the agency, a Notice of Codification Changes in the Illinois Register. (See 100.Appendix E, Illustration D)
- e) A Notice of Codification Changes will also be published for changes to the Administrative-Code--Division Index Department makes to the file copies of Emergency and Peremptory rules. These codification changes shall affect neither the validity of the rule nor its effective date.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.160 Deletion or Transfer of Rules

In the event an agency is abolished, agencies are consolidated, or agencies are reorganized, the Administrative-Code-Division Index Department shall follow the

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procedures outlined in Section 5-80(d) of the IAPA.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.180 Style Manual

The Administrative--Code--Division Index Department has prepared a Style Manual to aid agencies in the rulemaking process. Copies of the Style Manual may be obtained by contacting the Code--Division-at the following address:

Index Department
Administrative--Code--Division
111 E. Monroe Street
Springfield, IL 62756
(217) 782-9786 7017

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART B: ILLINOIS REGISTER

Section 100.200 Publication Schedule and Deadline

a) The Administrative--Code--Division Index Department publishes and distributes the Illinois Register on Friday of each week. However, if Friday is a state holiday, the Register is published and distributed on the next work day.

b) Pursuant to the provisions of this Part, all documents submitted to the Administrative--Code--Division Index Department for Illinois Register publication shall be received by 12:00 p.m. on Tuesday. All documents meeting publication requirements will appear in the following week's Register.

c) However, all new rules, amendments, repealers and expedited corrections which an agency is ready to adopt must be submitted to the Code--Division Index Department either five working days prior to the date the agency wishes to adopt the material or, if a later effective date is specified, five working days prior to the Register deadline listed in subsection (b) above. (See also Section 100.550)

d) Copies of the current year's publication schedule with deadline dates are published weekly in the Illinois Register.

e) In the event that an agency which has submitted a proposed rule for publication subsequently wishes to withdraw that proposal prior to its publication, but after the rule has already been incorporated into the Register compilation, the agency may withdraw the rule only by submitting for publication a Notice of Withdrawal of Proposed Rules. (See 100.Appendix A, Illustration C) No agency may withdraw an adopted, emergency or peremptory rule or expedited correction once it has been filed with the Code--Division Index Department.

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(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.220 Publication Requirements

a) All documents submitted for publication shall meet the following requirements:

- 1) Each document shall be typewritten (or produced on word processing or computer equipment) on 8 1/2 x 11 inch white paper (at least 20 lb. weight) and shall be single-spaced. One (1) American National Standard Code for Information Interchange (ASCII) format file or acceptable word processing program on a 3 1/2 inch disc, one one (1) original (camera-ready) and four (4) paper copies shall be submitted with the exception of proposed rules which shall require five copies. (See definition of "Camera-ready Copy" in Section 100.110) The original and all copies shall not be stapled together nor three-hole punched.
- 2) Each page of the document shall be headed ILLINOIS REGISTER (all in capital letters) centered on a solid line exactly one inch from the top of the page as shown in the Appendices. In addition, on each page of the document, the agency's name, all in capital letters, shall appear one double-space under the solid line, centered on the page, and the action heading, all in capital letters, shall appear one double-space under the agency name, centered on the page.
- 3) There shall be a one inch margin from all sides of the page. Only one side of the page shall be used.
- 4) All documents submitted to the Code--Division Index Department for publication shall include notice page(s) and follow specific formats as outlined in the Appendices contained in this Part. The numbered questions shall be underlined, double-spaced and answered with a statement. Non-applicable is not an acceptable answer to any of the questions.
- 5) Each document submitted for publication which concerns rulemaking must specify the Part's heading, the Code citation, and the specific Sections of the Part involved. (Subsections shall not be specified except in the text of the document.) In addition, the document shall specify a Register citation along with the issue date if it concerns rules published in the Illinois Register. When submitting proposed rules that include any new parts or sections, an agency with available technology may submit an American National Standard Code--for--information--interchange ASCII format file in a 3 1/2 inch disk along with the paper copies. An ASCII format file shall be submitted to the Index Department unless an agency does not have the equipment to produce an ASCII format file. In that event, the Director of the agency submitting material for publication in the Register shall notify the Index Department in writing of the agency's inability to submit an ASCII format file.
- 6)

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b) The headings on the Notice (as required by Sections 100.410, 100.530, 100.610 and 100.710) and the pages of text must agree. (For example, if the Notice says "Notice of Proposed Rules", then the text pages must also say "Notice of Proposed Rules".) (See Section 100.300 for further information on headings.)

c) The action headings mentioned in subsections (a)(2) and (b) above shall be as follows for rulemaking activities:

- 1) If the rules comprise a new Part, the term "Rules" shall be used;
- 2) If the rules comprise amendments (new Sections, amended Sections, repealed Sections) to an existing Part, the term "Amendments" shall be used;

3) If the rules comprise a repeal of an entire Part, the term "Repealer" shall be used.

d) Underscoring shall be used for the information required in Sections 100.410(a), 100.530(a), 100.610(a), 100.710(a), and 100.1110(a) as shown in 100.Appendix A, Illustrations A, C, D, and E; 100.Appendix B, Illustrations A, E, F, G, H, and I; 100.Appendix C, Illustrations A and D; 100.Appendix D, Illustrations A and D; and 100.Appendix E, Illustrations A, B, D, E and F.

e) The entire table of contents for the Part, including the authority and the main source notes, must be published when any type of rulemaking activity (proposed, adopted, emergency, and peremptory new rules, amendments, repealers and expedited corrections) is published in the Illinois Register.

f) The Administrative--Code--Division Index Department shall perform the following duties:

- 1) Review all documents submitted to determine if they comply with the format and style requirements of this Part and the IAPA and, if adopted rules meet these requirements, the Code--Division Index Department will sign the Certificate of Review and Approval. (See Sections 100.450 and 100.550)

2) Refuse to accept all documents which were submitted in non-compliance with the format and style requirements of this Part and the IAPA. The issuing agency will be contacted within 5 working days concerning documents which are refused with an explanation for the refusal. Refused documents will not be published in the Illinois Register until they are corrected and resubmitted to the Code--Division Index Department.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.225 Cover Letter

A cover letter shall accompany all documents submitted to the Administrative Code--Division Index Department. This letter shall specify the material being submitted and the reason for submission (publication, filing, or review) (See also Section 100.510).

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(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.240 Notices of Corrections

a) At the agency's request, the Administrative--Code--Division Index Department will publish a Notice of Corrections to Proposed Rulemaking in the Illinois Register to inform all interested parties of any technical deficiencies in an agency's proposed rules, such as typographical, clerical, printing, copying or other inadvertent errors. Such Notice shall be prepared by the agency in accordance with the publication requirements outlined in this Part and shall contain the complete text of the proposed rulemaking as corrected. The publication of this Notice shall change the date of the commencement of the first notice period to the date the correction is published. (See 100.Appendix A, Illustration D) Only non-substantive changes can be made by the agency after the commencement of the second notice period. Substantive changes shall be made only by written agreement with SEAR. (See Section 5.49(c) of the Act.)

b) The Administrative--Code--Division Index Department shall decline to publish any corrections or file any replacement pages to rules which have been adopted and filed with the Code--Division Index Department except codification changes (Section 100.150) and expedited corrections (Section 100.560).

c) An agency may correct information contained on the introductory notice pages of a proposed rulemaking a--Notice--of--Proposed--Rulemaking published in the Illinois Register by submitting one (1) ASCII format file or an acceptable word processing program on a 3 1/2 disc, one (1) original and four (4) paper copies of a Notice of Corrections to the Illinois Register for publication in the Register. (See 100.Appendix E, Illustration B) Pursuant to Section--5.49--of--the--IAPA--a--Notice includes--not--only--the--pages--headed--"Notice--but--also--the--text--of--the--rule." This Notice shall only be used when the file copy was correct and the Register-published copy was incorrect or when the answers to the required questions at the beginning of a Notice were incorrect. Corrections to the text of an agency's proposed rulemaking may be made on a Notice of Corrections to Proposed Rulemaking. (See subsection (a) above and 100.Appendix A, Illustration D)

d) Errors which are discovered in the file copy text later--than--seven days following publication of the issue of the Register in which the notice of adopted rulemaking appeared shall be corrected by the agency through the general rulemaking process or by the expedited correction process (see Section 100.250).

e) A Certificate and Notice of Expedited Correction shall be filed with the Administrative--Code--Division Index Department during normal business hours in accordance with procedures set forth in Section 100.250.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Section 100.250 Expedited Corrections

- a) A Request for Expedited Correction of Adopted Rules may be forwarded by JCAR to the Administrative-Code-Division Index Department. (See 1 Ill. Adm. Code 100.250 Appendix B, Illustration C) The request must be accompanied by the complete text of the affected Section(s), indicating both the incorrect text and the agency's proposal for correction in accordance with Section 100.420(c). The correction shall be published in the next available Register.
- b) The Joint Committee on Administrative Rules may then submit either a Refusal to Certify Expedited Correction (1 Ill. Adm. Code 100.250 Appendix B, Illustration H) or a Notice of Expedited Correction (1 Ill. Adm. Code 100.250 Appendix I) signed by the Executive Director of JCAR, and meeting all requirements outlined in Sections 100.200, 100.300, 100.500, 100.510, 100.520, 100.530, 100.540 and 100.550.
- c) If JCAR issues a Refusal to Certify Expedited Correction (1 Ill. Adm. Code 100.250 Appendix B, Illustration H), this does not prevent the agency from promulgating the rules through the general rulemaking procedures.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.260 Indexes

- a) The Administrative-Code-Division Index Department prepares an annual publication consisting of both the Cumulative and Sections Affected indexes for all codified rules appearing in the Illinois Register. The indexes will be distributed to all persons subscribing to the Illinois Register. Additional copies of the indexes are available from the Code--Division Index Department for a fee. (See Section 100.280) All requests for copies of this publication must follow the procedures outlined in Sections 100.270 and 100.280.
- b) The Code--Division Index Department also prepares a Sections Affected Index and a Cumulative Index for all codified rules published weekly quarterly in the Register. These indexes list the current rulemaking activity and appear in the back of each--issue--of the Register quarterly, and are available upon request.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.270 Illinois Register Availability

- a) Subscriptions
 - 1) All agencies required to file rules under the Illinois Administrative Procedure Act and members of the Illinois General Assembly will, upon request, receive one subscription to the

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Illinois Register exempt from fee. Agency subscriptions are limited to each agency's principal office (a total of two complimentary subscriptions are allowed for those agencies maintaining both a Springfield and a Chicago principal office; all other agencies receive only one complimentary subscription).

- 2) All other persons wishing to receive an issue of the Illinois Register each week shall pay the annual subscription rate. (See Section 100.280)
- b) Microfiche copies of back volumes of the Illinois Register are available from the Administrative Code Division for a fee. (See Section 100.280)
- c) Print copies of back issues of the current volume of the Illinois Register are available in limited supply from the Administrative-Code-Division Index Department for a fee. (See Section 100.280) When the limited supply is depleted, requests for such copies will be denied. The annual publication consisting of both the Cumulative and Sections Affected Indexes is not available by subscription, but may be obtained through Section 100.280(a)(4).
- d) All requests for subscriptions (either new or renewed), single issues of the Register, microfiche copies of back volumes, the annual Cumulative and Sections Affected Indexes, must follow the procedure outlined in Section 100.280(b).
- f) All requests for change of address must be in writing and four (4) weeks must be allowed for such changes.
- g) No subscriptions to the Illinois Register shall be retroactively effective.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.280 Fees

- a) Fees charged by the Administrative-Code-Division Index Department for the materials in Sections 100.260 and 100.270 shall not exceed the costs of the publication and mailing of the materials. Current fees for the Illinois Register materials cited in these Sections appear on the order form printed in each issue of the Register and are listed below:

- 1) One year subscription to the Illinois Register: \$290.00 per year per subscription.
- 2) Single issues of the current year: \$10.00 per copy.
- 3) Microfiche sets of back volumes of the Register: \$200.00 per set.

- 4) Copies of the annual publication consisting of the Cumulative and Sections Affected Indexes to the Register: \$5.00 per copy.

- b) Requests for the above named materials will be accepted as charges to an accepted credit card Master-Card-or-Visa or in writing accompanied by a check or money order in the proper amount made payable to SECRETARY OF STATE. Cash will not be accepted. No subscriptions are

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taken for single issues, microfiche sets of back volumes or copies of the Indexes.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART C: RULE DRAFTING REQUIREMENTS

Section 100.300 Headings

- a) All rules submitted to the Administrative--Code--Division Index Department for publication in the Illinois Register must have the Register heading, the agency name and the action heading on each page pursuant to Section 100.220(a)(2) and (c) and the Appendices. (For a definition of "Heading," see Section 100.110.)
- b) Rules submitted to the Code--Division Index Department for filing as adopted must have the Code heading on each page pursuant to Section 100.500 and 100.Appendix B, Illustration D.
- c) Headings for a Part's table of contents
- 1) Beginning at least 2" from the top of the page (to allow for the Register heading, the agency name and the action heading for Register publication or the Code heading for file copies) and centered on the page shall be the following headings:
 - A) The word TITLE and its label followed by a colon and the heading;
 - B) The word SUBTITLE and its label followed by a colon and the heading (if applicable);
 - C) The word CHAPTER and its label followed by a colon and the heading;
 - D) The word SUBCHAPTER and its label followed by a colon and the heading (if applicable).
 - 2) Each of the applicable headings listed above shall be all in capital letters (except where arabic numbers or small letter labels are used for the Code divisions) and shall appear, in order, on successive single-spaced lines. These headings as well as the Part number and its heading shall appear on the first page only of both publication and file copies.
 - 3) One double-space below the Chapter, its label and heading, (or, if applicable, the Subchapter, its label and heading) shall appear the word PART (all in capital letters) and its appropriate number, centered on the page.
 - 4) On the next line beneath the Part number shall be the heading for the Part, all in capital letters, centered on the page.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.315 Re-using Part or Section Numbers

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After a Part has been filed with the Administrative--Code--Division Index Department and the Part is repealed in its entirety or recodified to another Part number, the Part number involved shall not be used again for a period of two years if the subject matter has totally changed. If an agency repeals some but not all of the Sections in an existing Part, those Section numbers may be re-used immediately, even if the subject matter totally changes, although the Code--Division Index Department recommends that different Section numbers be used in order to avoid confusion.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.330 Source Notes

- a) Each Part adopted in compliance with this Part shall include appropriate source notes. The two types of source notes are: main source notes and Section source notes.
- 1) The main source note shall indicate the location in the Illinois Register of the notice of adoption and the effective date. It shall also include Register citations for amendments to the Part subsequent to the rules' original adoption. Main source notes are cumulative. The main source note shall be located one double-space below the authority note and shall be single-spaced.
 - 2) A Section source note shall indicate the Register citation for the last action on that Section subsequent to the original adoption. Codification action shall not be indicated in a Section source note. Section source notes appear one double-space below the last sentence of the Section and shall be single-spaced, and indented five spaces from the left margin.
 - b) Main source notes indicate to the public when the Part was adopted or amended and where the notice of the adoption may be found. Normally, only citations to the Illinois Register shall be indicated in the main source note and Section source notes, although amendment dates prior to Illinois Register publication shall be included only if specifically requested by the agency. The following situations are exceptions to this provision:
 - 1) If a new Part is being adopted, the main source note shall have blank spaces for the volume, page number of the Register, and the effective date.
 - 2) If the set of rules was adopted prior to the publication of the Illinois Register, the main source note should indicate the exact title of the set of rules as it was adopted (if that title has changed significantly in codification), the date filed, and the effective date.
 - c) The agency may also supply additional information in the source note to clarify the origin of the rules. For example, an agency may indicate the resolution, general order, or docket number used in the adoption of the rules; however, such numbers alone are insufficient.
 - d) When an agency drafts rules or amendments, regardless of the type of

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rulemaking occurring (proposed, adopted, emergency, peremptory or expedited correction), the source note shall specify the action, a Register citation with blanks left for the volume number of the Register, the page number on which the Notice of Adoption will appear and a blank for the effective date. Failure by an agency to include these items will necessitate the return of the rules to the agency for corrections prior to their being published in the Illinois Register or filed in the Code-Revision Index Department.

- e) For examples of main source notes and Section source notes, please refer to the Style Manual.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.335 Automatic Repeal of Rules

- a) An agency may provide for the automatic repeal of a rule by specifying in the text the date (including month, day and year) of the automatic repeal.

- 1) Automatic repeal shall not be used to repeal or amend existing Sections on file in the Code-Revision Index Department, but shall be used only for new Sections or in a new Part.

- 2) Each Section of a Part which is to be automatically repealed must specify the repeal date in the text.

- b) Pursuant to Section 5-55 of the IAPA, not less than 30 nor more than 60 days prior to the effective date of the repeal, the agency shall publish notice of the repeal in the Illinois Register. Such notice shall meet the requirements for Illinois Register publication specified in Section 100.220 and 100.Appendix B, Illustration E; and 1) for rules adopted through the general rulemaking process, as specified in Section 5-40 of the Act, 100.Appendix B, Illustration E; or

- 2) for rules adopted through the peremptory rulemaking process as specified in Section 5-50 of the Act, 100.Appendix D, Illustration D.

- c) The notice specified in subsection (b) above shall contain the full text of the affected Sections, the complete table of contents for the Part indicating which Sections are being automatically repealed by adding the word "(Repealed)" immediately after the affected Section headings, the authority note, and the main source note for the Part including a citation to the Notice of Automatic Repeal. Each affected Section must also contain the appropriate Section source note for the citation to the Notice of Automatic Repeal.

- d) At the same time the agency submits the notice and text required by subsection (b) above, it shall also submit one (1) original and two (2) copies of the complete table of contents for the Part including the authority and main source notes and the necessary replacement pages for the Sections being automatically repealed. The replacement pages shall include the Code headings at the top of each page, the

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Section number and heading followed by the word "(Repealed)" and a Section source note to the citation for the automatic repeal.

- e) Should the agency fail to submit the notice of the repeal in the time frame specified in subsection (b) and the Act, the automatic repeal date as specified in the rule(s) is void and the agency will have to go through the general rulemaking process in order to repeal the rulemaking. The 30 to 60 day period in which the notice is to be published in the Illinois Register requires the rule to appear in a published Register during that time period.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.340 Text of the Part; Subsections

- a) The text of each Part submitted for either publication or for filing shall be single-spaced. However, a double-space shall appear between the Section number and the first line of text and shall appear between the last line of one subsection and the first line of the next subsection. For rules published in the Illinois Register, the Section number and heading of the first Section being published shall appear one double-space below the main source note. For rules filed with the Code-Revision Index Department as adopted, the first Section shall appear on the next page following the main source note.

- b) Subsections shall be identified as indicated in the following format. The proper indentation of each level of subsection, both for the labels and for the text, is also indicated.

- 1) First level of subsection: Use a), b), c), etc. Locate the label one and one-half (1 1/2) inches from left edge of page (indent 5 spaces from the margin) and locate the text two (2) inches from the left edge of the page.
 - 2) Second level of subsection: Use 1), 2), 3), etc. Locate the label two (2) inches from left edge of page (indent 10 spaces from the margin) and locate the text two and one-half (2 1/2) inches from the left edge of the page.
 - 3) Third level of subsection: Use A), B), C), etc. Locate the label two and one-half (2 1/2) inches from left edge of page (indent 15 spaces from the margin) and locate the text three (3) inches from the left edge of the page.
 - 4) Fourth level of subsection: Use i), ii), iii), etc. Locate the label three (3) inches from left edge of page (indent 20 spaces from the margin) and locate the text three and one-half (3 1/2) inches from the left edge of the page.
- c) A single paragraph within a Section is not labeled as a subsection. An opening paragraph (prior to labeled subsections or indented items such as addresses, formulas, or definitions) is allowed but unlabeled paragraphs at the same indent level as the opening paragraph following such labeled subsections or indented items or following labeled subsections at any level are not allowed.

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- d) Subsections beyond the fourth level are not allowed. Sections which contain further subsections must be divided into separate Sections.
- e) Sections which consist of definitions of various terms in alphabetical order shall not include a subsection label for each definition, but the definitions must be indented as if they were being labeled. (For example, definitions in alphabetical order which would be labeled at the first indent level shall appear, unlabeled, with each line of text beginning two (2) inches from the left hand edge of the page.) There shall be only one definitions Section per Part except that each Subpart may also have a definitions Section. This Section should be the first Section within the specified codification division. Definitions may appear in the text of other Sections if necessary to explain that particular Section or subsequent Sections in that part or Subpart. Other lists within Sections (for example, a list of recommended library books) may also be arranged alphabetically without subsection labels but must be indented properly. Lists of definitions or other items, if not in alphabetical order, must be labeled.
- f) When dividing a Section into subsections, do not use an a) without a b), a 1) without a 2), etc. However, in labeling a single Appendix, Exhibit, Illustration, or Table, the label "A" shall appear.
- g) When referring to one or more subsections within the text of a subsection, the subsection label must be enclosed in parentheses.
- h) Numbered or lettered phrases within a subsection are not allowed. Such numbered phrases must be indented to the proper level and labeled appropriately.
- i) Since the codification system shall be compatible with electronic data processing equipment and programs maintained by and for the General Assembly (Section 5-80 of the Act), the Section symbol, subscript or superscript letters, the division symbol, the delta symbol, the square root symbol, and other similar signs and symbols, are not allowed within the text of an agency's rules. If an agency determines that a formula containing such symbols is necessary within the text of its rules and cannot write the formula in words rather than in symbols, the agency shall give a camera-ready copy of the formula to the Administrative-Code-Division Index Department to be used to scan into the rules for publication in the Illinois Administrative Code. If an agency determines that a sign or symbol not specified in this subsection must be included in the rule, the agency must contact the Code-Division Index Department to determine if it can be used prior to submitting the proposed rules for Register publication.
- j) All acronyms, abbreviations, initials, and shortened forms which an agency wishes to use in the text of its rules must be spelled out in full the first time within each Part the reference appears with the acronym, abbreviation, initials or shortened form placed immediately thereafter in parentheses. (A definitions Section at the beginning of each Part is preferable.) The agency may then use the acronym, abbreviation, initials or shortened form throughout the remainder of the Part. This does not include the list of standard abbreviations shown in subsection (k) below.

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- k) Listed below are standard abbreviations and their meanings which do not have to be spelled out in an agency's rules as specified in subsection (j) above. If an agency wishes to use one of these abbreviations but wishes to attach a different meaning to it, it must follow the procedures outlined in subsection (j) above.
- 1) All two letter abbreviations for the 50 states as designated by the United States Postal Service are allowed;
 - 2) All chemical abbreviations for the elements are allowed;
 - 3) The following are examples of commonly known abbreviations:

Abbreviation	Definition
A.C.	alternating current
a.m.	ante meridiem, morning
Ave.	Avenue
Btvd.	Boulevard
C.	British thermal unit
C.	Centigrade, Celsius
C.D.T.	Central Daylight Time
CFR	Code of Federal Regulations
ch.	chapter (statutory citation use only)
cm.	centimeter
C.S.T.	Central Standard Time (or other time zones)
cu.	cubic
D.C.	District of Columbia, Direct Current
Dr.	Drive
E.	East
e.g.	for example
et seq.	and those that follow
F.	Fahrenheit
FR	Federal Register
ft.	foot
ID	identification
i.e.	that is
IGCS	Illinois Compiled Statutes
Ill. Adm. Code	Illinois Administrative Code
Ill. Reg.	Illinois Register
Ill. Rev. Stat.	Illinois Revised Statutes
in.	inch
IRS	Internal Revenue Service
k.	kilogram
km.	kilometer
l.	liter
lb.	pound
Ln.	Lane
mg.	milligram
ml.	milliliter
mm.	millimeter

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mph miles per hour
 Mt. Mount
 N. North
 n/a not applicable
 oz. ounce
 p. page (Register citations to Volumes 1-4 only)
 par., pars. paragraph, paragraphs (statutory citations only)
 p.m. post meridiem, afternoon
 qt. quart
 Rd. Road
 S. South
 sq. square
 St. Saint, Street
 U.S. United States
 U.S.C. United States Code
 W. West
 yd. yard

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.350 Supplementary Material

- a) Tabular materials, illustrations, diagrams, figures and other supplementary material included in a Part should be placed at the end of the Part and labeled as Appendices, Exhibits, Illustrations or Tables. Such materials should be used only when an agency deems them necessary; rules shall be in explanatory form whenever possible. Supplementary materials included in a Part filed with the Code Division Index Department shall be considered part of the rules and should be referred to within the text of the Part.
- b) Any Appendices, Exhibits, Illustrations or Tables appearing at the end of the Part shall be included in the Part's table of contents. Such supplementary materials shall be identified with capital letters unless it is a subsection. If there is a subsection, it shall not include the Part number but shall be indented five (5) spaces below the Section.
- 1) An Appendix is generally in prose format and does not contain illustrations, tables, or other diagrams or drawings. If it is necessary for an Appendix to contain illustrations, tables or other diagrams or drawings, each illustration, table or diagram shall be labeled individually and shall become subsections of the Appendix.
- 2) A small Table may be contained within a Section as long as it fits within the text margins of the subsection in which it appears. In such a case, the Table is not labeled, but may have a heading. If the Table is larger than the subsection margins

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allow, the Table must be placed at the end of the Part and labeled with capital letters. An agency should either delete the Table from its rule through the general rulemaking process or must submit to the Administrative Code Division a camera-ready copy of the Table which will fit, with the applicable margin requirements, on an 8 1/2 x 11 inch sheet of paper.

- 3) Forms should be avoided. (See Section 1-70 of the Act.) References to the forms within the text of the Part should be by form number or heading and should be incorporated into an Exhibit for explanatory reasons only.
- 4) An Illustration is a diagram or drawing. In those cases where the Illustrations cannot be entered into the data base, the agency must submit to the Administrative Code Division Index Department a camera-ready copy of the Illustration; such copy must fit within the margin requirements as outlined in this Part both for filing and for Illinois Register publication. (Refer to Sections 100.220(a)(3) and 100.500(a))
- c) A maximum of 10 Illustrations, Appendices, Tables, or Exhibits may be used in each Part unless used in combination with one another. If an Appendix, Exhibit, Illustration or Table has subsections labeled with one or more of the remaining three terms, it shall have no text of its own.
- d) Pursuant to Section 100.310(a)(4)(B), all supplementary material shall be legible even when reduced by 50% for Register publication, shall fit within the applicable margin requirements, and shall be upright on the page.
- e) Whenever an agency adopts a rule containing material which cannot be entered into the computer data base, the agency shall prepare a master original of the material (photocopies are not allowed) for the Code Division's Index Department's files.
- (Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.380 Statutory Language and Statutory Citations

- a) Rules shall not unnecessarily repeat statutory language. Whenever it is necessary to repeat or paraphrase statutory language in a rule, it shall appear in distinguishing type. Italic type is expressly reserved for statutory language.
- b) If it is necessary for an agency to use a type other than italic for statutory language, a statement as to what type is used must be made immediately after the main source note. Underscoring is not considered to be distinguishing type because it is expressly reserved for added language in rules published in the Illinois Register.
- c) Public Acts or Public Laws not yet published in the Illinois Register--Statutes or the United States Code--respectively--cannot have a citation to a published edition unless the Act or Law is amending--an Act or Law in the specific published edition cited--in which case the

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words--"as-amended-by"--followed--by--the--P-A--or--P-B--number--and effective--date--appears--within--the--statutory--citation's--parentheses--but after--the--paragraphs--of--the--Act--in--that--citation--Public--Acts--or Public--Laws--which--do--not--appear--in--a--published--edition--must--be--cited by--name--of--Act--P-A--or--P-B--number--and--effective--date--

dg) Citations to statutes must be included immediately after the quotation or paraphrase as specified in Section 100.385. However, in the event that the Section of the Act being quoted has already been cited earlier in the Part, the agency shall only specify the Section and the title of the Act in which the quotation appears.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.390 Footnotes; Agency Notes; Editor's Notes

a) Footnotes

An agency may include with its rules, as footnotes, the citations and brief digests of court cases and Attorney General's opinions. Footnotes shall be numbered in sequence, and the text of such footnotes shall be at the bottom of the same page where the footnotes appear in the text of the rule. Footnotes shall be the only notes allowed to be numbered in this manner.

b) Agency notes

Occasionally an agency may need to explain something within the text of its rules; such explanation may not fit the normal format for codification. In such instances, an agency note may appear. The use of agency notes is discouraged. If the use of such a note is necessary, the agency shall contact the Administrative--Code--Division Index Department for the proper procedure prior to proposing rules or amendments, or prior to adopting emergency or peremptory rules or amendments, containing agency notes, since agency notes may take several forms. In addition, agency notes shall fit within the margin requirements of the subsections to which they refer, and shall not be labeled except by "Agency Note" unless otherwise authorized by the Code--Division Index Department, and shall not contain either subsections or lettered or numbered phrases. Any agency notes included in an agency's rules are considered part of the rule and must be adopted, amended, or repealed in the same manner as the rules.

c) Editor's notes

Occasionally, in codification, the Administrative Code Division may add an editor's note which cross references the rules of two or more agencies, explains a particular way the rule was codified or explains Administrative Code database style. The Administrative--Code--Division Index Department is the only agency allowed to add editor's notes to a rule since the Division Department is the Editor of the Illinois Administrative Code. Such notes are not part of the rule but are used solely for informational purposes to aid the reader.

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(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART D: PROPOSED RULES

Section 100.400 Required Notice Periods

a) There are two notice periods required in rulemaking, pursuant to Section 5-40 of the IAPA:

1) The first notice period is at least 45 days in length from the date the proposed rules appear in the Illinois Register. During this first notice period, the agency must allow interested persons who submit a request to comment during the first 14 days of the notice period reasonable opportunity to comment on the proposed rule. Request to comment may be submitted either orally or in writing at the agency's discretion. If a public hearing is to be held on the proposed rule, and notice of such does not appear on the Notice of Proposed Rules (Amendments, Repealers) published in the Register, the agency may submit a Notice of Public Hearing on Proposed Rules for Register publication. (See 100.Appendix A, Illustration E) This Notice must meet the publication requirements outlined in Section 100.220.

2) The second notice period begins on the day JCAR receives written notice from the agency and expires 45 days later unless, prior to that time, the agency and JCAR have agreed to extend the second notice period beyond 45 days for a period not to exceed an additional 45 days or the agency receives either a statement of objection from JCAR or notification that no objection will be raised. (See 1 Ill. Adm. Code 220 for information on submitting rules to JCAR for the second notice period.)

b) No more than one year may elapse from the date the proposed rule appeared in the Illinois Register until the date the rule is adopted or filed with the Administrative--Code--Division Index Department. Should more than one year elapse, such rule shall not be adopted or filed with the Administrative--Code--Division Index Department. (See Section 5-40(e) of the Act) For example, if a proposed rule appears in the Illinois Register on March 1 of one year, it lapses on March--1 February 28 or February 29 of the following year unless March--1 February 28 or February 29 falls on a holiday or a weekend, in which case the lapsed time would be the following day.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.410 Notice of Proposed Rules

a) Each proposed rule (amendment, repealer) submitted for publication in the Illinois Register (See Section 100.220) must be part of a Notice of Proposed Rules (Amendments, Repealers) at the beginning of which

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the information listed in subsections (1) through (12) below shall appear (see also Appendix A, Illustration A). The next page shall be the full text of the rules, amendments, or repealer and, if the proposal is an amendment to or repeal of an existing Part, the text shall appear as it is on file in the Code--Division Index Department with all changes indicated by strike-outs and/or underscoring (however, if an entire Part is being repealed, the text is printed without strike-outs and if a new Part is being proposed the text appears without underscoring):

- 1) The heading of the Part;
- 2) The Code citation (include only the Title number, the Code abbreviation, and the Part number);
- 3) Section Numbers
(list in numerical order)
(include supplementary
material)
- 4) The specific statutory citation upon which the Part is based and authorized;
- 5) A complete description of the subjects and issues involved;
- 6) Whether the proposed rule will replace an emergency rule currently in effect;
- 7) Whether the proposed rule contains an automatic repeal date;
- 8) Whether the proposed rule (amendment, repealer) contains incorporations by reference;
- 9) Whether there are any other amendments to this Part, other than those appearing in the same Register issue, pending. If so, specify the Section numbers, the proposed action, and a Register citation to the Notice of proposal;
- 10) A Statement of Statewide Policy Objectives ~~(if applicable)~~ (See Sections 100.110 and 100.415(b));
- 11) The time, place and manner in which interested persons may present their views concerning the proposed action, and the name, address and phone number of the individual within the agency who may be contacted. All persons who submit a request to comment within 14 days after this Notice has been published shall be given a reasonable opportunity to submit data, views, arguments or comments; and
- 12) Initial Regulatory Flexibility Analysis (See "Regulatory Flexibility Analysis", Section 100.110);

- A) Types of small businesses (See--see Section 1-75 of the Act), small municipalities (see Section 1-80 of the Act) and not for profit corporations (see Section 1-85 of the Act) affected
- B) Reporting, bookkeeping or other procedures required for compliance
- C) Types of professional skills necessary for compliance.

b) Under the Section Numbers and Proposed Action columns at the beginning of the Notice of Proposed Rules as shown above in subsection (a)(3) of this Section shall be listed the specific Section Number(s) in

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numerical order and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the Code Division staff to accurately compile the Sections Affected Index for each week's Register. Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns. All rules in which Sections and/or supplementary material which are listed incorrectly shall be returned to the agency for corrections prior to being published in the Illinois Register.

- c) Only one Part shall be listed per Notice. All new Sections, amendments to existing Sections, and/or repealers of Sections shall be contained on this Notice. Only one Notice per Part for proposed rules will be accepted by the Administrative--Code--Division Index Department for publication in a single issue of the Register, unless the agency is repealing a Part in its entirety and proposing a new Part to replace the repealed Part (same subject matter). In this instance only, the Code--Division Index Department will accept two Notices of proposed rulemaking for one Part number, one for the proposed repealer and one for the proposed new Part, for publication in the same issue of the Register.

- d) If an agency is proposing, amending, or repealing more than one Section, and the agency wishes to have any of the Sections considered as separate rulemakings, the agency shall specify the statutory authority for each separate rulemaking. The agency shall follow the procedure in Section 100.410(a)(1) through 100.410(a)(12) and, if necessary, specify different people to be contacted for each separate rulemaking. This procedure permits an agency to take those portions of the rulemaking into second notice separately or adopt those portions of the Part at different times.

- e) If an agency intends to hold a public hearing on the proposed rules, the information on the hearing may be included in the Time, Place, and Manner item on the Notice (subsection (a)(11) above) or the agency may submit a Notice of Public Hearing on Proposed Rules as shown in Appendix A, Illustration E. Notice for public hearings on proposed rules will be accepted for Register publication unless a notice for another type of public hearing is required by state statute to be published in the Register.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.430 Notice of Corrections

The Administrative--Code--Division Index Department shall, at the agency's request, publish Notices of Corrections in the Register. Such Notices shall be prepared by the agency. Please refer to Section 100.240 and 100.250 for further information concerning Notices of Corrections.

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(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.450 ~~Administrative--Code--Division~~ Index Department Review of Proposed Rules

- a) The ~~Code--Division~~ Index Department staff will review all proposed rules to ensure that publication requirements as outlined in this Part have been met. If corrections are necessary to produce the Register from the Legislative Information System (LIS) database, the ~~Code--Division~~ Index Department staff will notify the agency, ~~and the~~ The proposed rules, amendments or repealer will ~~not~~ be published in the Register when ~~until~~ the material is corrected and re-submitted to the ~~Code--Division~~ Index Department. This review includes, but is not limited to, the following:
- 1) Register headings are ~~correct~~ **correctly-worded-and-spaced**;
 - 2) Questions required pursuant to Section 100.410(a) and 100-Appendix A, Illustration A appear in the correct order with the following questions checked for accuracy:
 - A) The heading of the Part;
 - B) The Code Citation;
 - C) Section Numbers and Proposed Action;
 - 3) Appropriate source notes are included where necessary;
 - 4) One text version of the rules in ASCII format or an acceptable word processing program on a 3 1/2 inch disc. The disc shall be labeled with the proper code citation. One original and ~~four~~ **five--five** paper copies were submitted with the original pages containing the required questions compiled with the original pages containing text and the four ~~(4)~~ **five--five** paper copies identically compiled and stapled;

- 5) A cover letter accompanies the material for Register publication.
- b) The ~~Administrative--Code--Division~~ Index Department will review all proposed rules for compliance with this Part during the first 45-day notice period and will send a list of comments on the codification of the proposed rules to the agency and to JCAR. This review includes, but is not limited to, the following:
 - 1) Headings in the text;
 - 2) Subsections are ~~correct~~ **correctly-labeled-and/or-indented**;
 - 3) Source notes are correct;
 - 4) Titles of state Acts are correct and statutory citations and/or references to the Acts appear where necessary;
 - 5) Names of agencies are correct;
 - 6) Rules referenced properly and citations added where necessary;
 - 7) Renumbering done correctly, if applicable;
 - 8) Authority notes up-to-date and in the correct format;
 - 9) Typographical and other inadvertent errors noted.

- c) The ~~Code--Division~~ Index Department shall again review the rules for filing, publication, and codification system compliance at the end of

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the second notice period and upon the agency's submission of the rules for adoption and Register publication pursuant to Sections 100.545 and 100.550.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART E: ADOPTED RULES

Section 100.500 Requirements for Filing

- a) All rules, amendments or repealers shall be typewritten (or produced on word processing or computer equipment) on plain 8 1/2 x 11 inch, three-hole punched loose-leaf white paper (at least 20 lb. weight), suitable for being placed in a standard loose-leaf binder for paper that size. One original and two copies shall be filed. There shall be margins of one inch at the top and on each edge of the page and only one side of the paper shall be used. (See 100-Appendix B, Illustration D) All copies submitted shall not be stapled together.
- b) Rules to be placed on file shall be titled ILLINOIS ADMINISTRATIVE CODE preceded by the appropriate Title number, centered on a solid line exactly one inch from the top of the page. On the right hand side of the solid line shall be the appropriate Chapter number and Part or Section number. (If an agency's word processing equipment cannot fit all this on the line, the word Chapter may be abbreviated to Ch. and the word Section may be abbreviated to Sec. or the Section Symbol may be used.)
 - 1) If the Part being filed is contained in a Title which has a Subtitle, the word SUBTITLE and its appropriate label (capital letter) shall be centered on the page on the next line immediately below the solid line.
 - 2) If the Part being filed is contained in a Chapter which has a Subchapter, the word SUBCHAPTER and its appropriate label (lower case letter) shall be located on the next line immediately under the solid line on the right hand side of the page. For codified rules being filed, each Section must begin on a new page.
- c) The Title and its heading, the Section number and its heading or the text of the Section if the Section is longer than one page shall be located at least 2 inches from the top of the page to allow for the Code heading. (See subsection (b) above)
- d) When a Section of a Part or a whole Part is repealed or renumbered so that no text remains, a replacement page must be filed: for that Section, when only one Section is involved; or for each Section, when more than one Section is involved; or for the Part, when a Part is totally repealed or renumbered. These replacement pages will carry the Code heading as specified in subsections (b) and (c) above, as well as the following information:
 - 1) For Sections which have been repealed and no text remains:
 - A) The Section number, the heading and the word "(Repealed)";

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B) A Section source note containing the Register citation for the repeal.

2) For Sections which have been renumbered or recodified and no text remains:

A) The Section number, the heading and the word "(Renumbered)" or "(Recodified)";

B) A Section source note containing the Section number to which the Section has been renumbered or recodified and the Register citation for the action.

3) For Parts which have been repealed:

A) The Title, the Subtitle (if applicable), the Chapter, and the Subchapter (if applicable) along with their respective headings;

B) The Part number and its heading with the word "(REPEALED)";

C) A source note containing the Register citation for the repeal.

4) For Parts which have been recodified and no text remains:

A) The Title, the Subtitle (if applicable), the Chapter, and the Subchapter (if applicable) along with their respective headings;

B) The Part number and its heading with the word "(RECODIFIED)";

C) A source note containing the Register citation for the recodification action.

e) Adopted rules filed with the Code-Division Index Department shall not contain either strike-outs or underscoring.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.510 Other Documents Required for Filing Adopted Rules

a) Each adopted rule submitted by an agency to the Code Division for filing and publication shall be accompanied by the following:

1) An agency certification (See 100.Appendix B, Illustration C);

2) A JCAR Certification of No Objection issued on the rules, or, if JCAR has issued an objection, the agency's response to such objection (see Section 100.440 and 100.Appendix A, Illustration C) and the JCAR certification that the agency has responded to the objection unless the rules are statutorily exempt from JCAR review;

3) A cover letter (See Section 100.225);

4) A written copy of the JCAR-agency agreements (See definition of "Agreements" in Section 100.110) issued on the rulemaking resulting from the meeting between JCAR and the agency.

b) In the event JCAR does not issue either a Certification of No Objection or a Statement of Objection and the agency and JCAR have not agreed to an extension of the review period, the agency may submit the rules for adoption after the expiration of the 45-day second notice

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period without the information required in subsection (a)(2) above. However, this must be stated on the cover letter so that the Code Division Index Department will not reject the rules on this technicality.

c) The Code-Division Index Department will not sign the Certificate of Review and Approval until the rules submitted meet the codification, filing and Register publication requirements outlined in this Part. The original Certificate is filed with the rules, amendments or repealer.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.530 Notice of Adopted Rules

a) Each adopted rule submitted for Register publication shall be part of a Notice of Adopted Rules (Amendments, Repealers) (see Appendix B, Illustration A) at the beginning of which the information listed in subsections (1) through (16) below shall appear. On the next page, the full text of the rules, amendments, or repealer and, if the adopted rulemaking is an amendment to an existing Part (except for a repeal of an entire Part or a repeal of one or more Sections of a Part with no other rulemaking action occurring at the same time), the text as it is indicated by strike-outs and/or underscoring:

1) The heading of the Part;

2) The Code citation (include only the Title number, the Code abbreviation, and the Part number);

3) Section numbers (list in numerical order) (include supplementary material)

4) The specific statutory citation upon which the Part is based and authorized;

5) The effective date of the adopted action (See also Section 100.550);

6) Whether the rule contains an automatic repeal date (See Section 100.335);

7) Whether the adopted rule (amendment) contains incorporations by reference pursuant to Section 6.02(b) of the Act;

8) Date filed in agency's principal office;

9) The date(s) the Notice(s) of Proposed Rules was (were) published in the Illinois Register (include the Register citation(s) to the page);

10) Whether JCAR issued a statement of objection to the rules and, if so, the following information:

A) Date and Register citation to the objection;

B) Date and Register citation to the agency's response;

C) Date agency submitted the response to JCAR;

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- 11) A statement of the changes made between the proposed and adopted versions;
- 12) Whether all the changes agreed upon by JCAR and the agency have been made as indicated in the agreement letter issued by JCAR to the agency (See definition of "agreements," Section 100.110);
- 13) Whether this rule will replace an emergency rule currently in effect. If an emergency was originally filed but has since expired, the answer to this question is "no";
- 14) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as this adoption. If so, please specify the Section numbers, the proposed action and the Register citation to the Notice of Proposed Rules;
- 15) Summary and purpose of rulemaking; and
- 16) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed.
- b) If numbering changes are made, these changes must be specified on the Notice.
- c) Under the Section Numbers and Adopted Action columns at the beginning of the Notice of Adopted Rules (See subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the Code Division Index Department staff to accurately compile the Sections Affected index for each week's Register. Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns. If an agency omits from this listing one or more Sections or any supplementary material the text for which is included, or lists one or more Sections or any supplementary material the text for which is not included, or the action being taken is listed incorrectly, the material will be returned to the agency for corrections prior to its being published in the Illinois Register and prior to its being filed and taking effect.
- d) Only one Part shall appear per Notice. All new Sections, amendments to existing Sections and repeals of Sections must be listed on the one Notice. The Administrative Code Division Index Department will accept only one Notice per Part for adopted rules for publication in a single issue of the Register, unless the agency is repealing the Part in its entirety and adopting a new Part with the same subject matter to replace the repealed Part. In this instance only, the Code-Division Index Department will accept two Notices of adopted rulemaking, one for the repealer and one for the new Part, for publication in the same issue of the Register.
- e) If an agency is adopting several Sections which were proposed as separate rulemakings, the statutory authority and description of the rulemaking shall be divided clearly.

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(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.540 Text of Adopted Rules

- a) The text of the adopted rules shall begin on the next page following the last line of information required on the Notice by Section 100.530(a)(1) through (16) and Appendix B, Illustration A, shall contain the Register headings, the agency name and the action heading (NOTICE OF ADOPTED RULES (AMENDMENTS, REPEALER)), and shall include the following information for publication in the Register:
- 1) If the adopted rule is a new Part: the headings, the complete table of contents, the authority note, the main source note, and the full text of the new Part.
 - 2) If the adopted rule is a new Section with no other changes to the Part: the headings, the complete table of contents, the authority note, the main source note, and the full text of the Section being adopted. The table of contents must show by underscoring the Section number and heading being added. Subparts and their headings shall be shown in the text. The Section must also contain the appropriate Section source note(s). (See Section 100.330)
 - 3) If the adopted rule is an amendment to the Part (changed language in one or more Sections or the addition or deletion of one or more Sections): the headings, the complete table of contents, the authority note, the main source note, and the full text of the Sections being amended identifying by strike-outs or underscoring the changes between the original rule on file with the Code-Division Index Department and the final version. Subparts and their headings shall be shown in the text. If Sections are being renumbered, this action must appear both in the table of contents and in the text of the adopted amendments. Sections which are being either renumbered or repealed so that no text remains at that Section number shall have the word "(Repealed)" or "(Renumbered)", as the case may be, immediately following the Section heading in both the table of contents and the text. The Section(s) must also contain the appropriate Section source note(s) (see Section 100.330).
 - 4) If the adopted rule is a repealer of a Part: the full text shall not be published but the file copy must show the headings of the Part with "(Repealed)"; a source note with the repeal citation to the Illinois Register shall replace the main source note if the Part is not being replaced by new text. When the entire Part is being repealed, strike-outs shall not be used. The last line of the required information on the Notice pursuant to Appendix B, Illustration A shall be omitted.
 - 5) If the adopted rule is a repealer of a Section with no other changes to the Part: the full text shall not be published in the Register but a new complete table of contents for the Part

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showing the word "(Repealed)" following the heading of the repealed Section must be filed along with a replacement page for the repealed Section. (See Section 100.500(d)) When an entire Section is being repealed with no other changes to the Part, strike-outs shall not be used. In this case, the last line of the required information on the Notice pursuant to Appendix B, illustration A, shall be omitted.

b) If Sections of the Part have been renumbered, those changes must be indicated in the text and table of contents of the Part in the Register publication. The text of Sections which are being renumbered from another Section in its entirety shall appear in numerical order according to where they are being adopted as renumbered. (See Section 100.345)

c) If emergency amendments to the Part are in effect at the time new amendments are being adopted and the new amendments do not replace the emergency amendments, the table of contents for both filing and Register publication shall indicate the Sections on which emergencies are still in effect. (See Sections 100.620 and 100.630-)

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.545 Code-Division Index Department Review of Adopted Rules

The Administrative-Code-Division Index Department staff will review all adopted rules, amendments and repealers for publication, filing, and codification requirements upon the agency's submission of the material to the Code-Division Index Department following the end of the second notice period.

a) The Register version will be checked for compliance with this Part including, but not limited to, the following items:

- 1) Register headings contain the correct wording-and-spacing;
- 2) All the questions required by Section 100.530(a) and 100.Appendix B, Illustration A appear in the correct order and, for the following questions, all responses are correct:

- A) Heading of the Part;
- B) Code Citation;
- C) Section Numbers and Adopted Action;
- D) Effective date. (No rules filed with the Code Division shall be retroactively effective.);
- 3) The text begins on the proper page and is in the proper order;
- 4) The changes requested by the Code--Division Index Department during the first notice period have been made;
- 5) The rules (amendments, repealers)

- A) Are labeled correctly;
- B) Sections and subsections are indented properly and margin requirements are met;
- C) Contain headings which match exactly in the Part's table of contents and the text;
- D) References to state Acts contain the correct title and that

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statutory citations appear where necessary;
 E) Agencies and their rules are correctly listed and/or cited;
 F) Source and authority notes are correct and updated;

- 6) One ASCII format file or an acceptable word processing program or an acceptable word processing program on a 3 1/2 inch disc, one original and four (4) paper copies of the entire rulemaking are submitted and correctly compiled and stapled with all pages of the Notice in the right order, and with the pages containing the required questions and agency responses preceding the pages of text.

b) The Code file version will be checked for compliance with this Part including, but not limited to, the following items:

- 1) The correct Code headings appear at the top of each page;
- 2) Each Section begins on a new page;
- 3) The changes requested by the Code--Division Index Department during the first notice period have been made;
- 4) The rules (amendments, repealers)

- A) Are labeled correctly;
- B) Sections and subsections are indented properly and margin requirements are met;
- C) Contain headings which match exactly in the Part's table of contents and the text;

D) References to state Acts contain the correct title and that statutory citations appear where necessary;

E) Agencies and their rules are correctly listed and/or cited;
 F) Source and authority notes are correct and updated;

- 5) One original and two (2) paper copies are submitted and correctly compiled with the original of the agency certification attached to the original of the text, and the copies of the agency certification are attached to each copy of the text;

- 6) The original and two copies are all three-hole punched, not stapled and printed on one side of the page;

- 7) The original is camera-ready (see definition of "camera-ready," Section 100.110);

- 8) Separate camera-ready originals of any tables, exhibits, illustrations, etc. which cannot be entered into the computer data base are submitted. These originals shall not be three-hole punched.

c) The entire rulemaking package will be checked to ensure that the following items are included:

- 1) The JCAR Certification of No Objection is attached or, if JCAR has issued an objection, the agency's response to the objection is in proper format pursuant to this Part;
- 2) A copy of the JCAR agreement letter issued on the rulemaking resulting from the meeting between JCAR and the agency (see definition of "agreements," Section 100.110);
- 3) The cover letter describing the material being submitted.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Section 100.550 Certificate of Review and Approval

- a) Following the expiration of the second notice period, the agency shall submit a copy of both the Register and file copies of the final version of the rule for review by the ~~Administrative-Code--Division~~ Index Department at least five (5) working days prior to the date the agency wishes to adopt, amend or repeal the rule. The ~~Code--Division~~ Index Department will sign the Certificate of Review and Approval (100.Appendix B, Illustration C) when the material to be adopted meets the codification, filing and Register publication requirements outlined in this Part.
- b) The agency should, prior to submitting adopted rules for final review, check the text of the rules or amendments to ensure the inclusion of all agreements for changes made with JCAR (see definition of "Agreements," Section 100.110) and that the Administrative Code computer data base version is correct, and that all Administrative Code requirements have been met. If the agency determines that all material is correct, it shall so specify on the Notice of Adopted Rules (Amendments Repealer).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART F: EMERGENCY RULES

Section 100.600 Filing; Agency Certification

Emergency rules shall be filed with the ~~Administrative-Code--Division~~ Index Department as provided in this Subpart, Sections 100.220, 100.500, 100.510, and 100.540 of this Part and Section 5-45 of the IAPA. When an agency files an emergency rule, a situation must exist which the agency finds reasonably constitutes a threat to the public interest, safety or welfare. Accompanying the emergency rules must be:

- a) a certification of the emergency rules as shown in 100.Appendix C, Illustration C. This certification must specify the reason for the emergency, and
- b) a cover letter specifying the material being submitted and the reason for submission (filing, Register publication, review, etc.).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART F: EMERGENCY RULES

Section 100.610 Notice of Emergency Rules

- a) Each emergency rule submitted for publication in the Illinois Register

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shall include a Notice of Emergency Rules (Amendments, Repealers) (see 100.Appendix C, Illustration A) at the beginning of which the information listed in subsections (1) through (12) below shall appear. On the next page, the full text of the rules, amendments, or repealer and, if the rulemaking amends or repeals an existing Part, the text shall appear as it is on file in the ~~Code--Division~~ Index Department with all changes indicated by strike-outs and/or underscoring.

- 1) The heading of the Part;
- 2) The Code citation (include only the Title number, the Code abbreviation, and the Part number);
- 3) Section numbers (list in numerical order) (include supplementary material)
- 4) The specific statutory citation upon which the rule is based and authorized;
- 5) The effective date of the rule (immediately or less than 10 days after filing);
- 6) If this emergency rule is to expire before the end of the 150-day period (other than by means of adopting the rule through the general rulemaking process), please specify the date;
- 7) Date filed in agency's principal office;
- 8) The reason for the emergency;
- 9) A complete description of the subjects and issues involved;
- 10) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as the emergency rules. If so, please specify Section numbers, the proposed action and the Register citation to the Notice of Proposed Rules;
- 11) A Statement of Statewide Policy Objectives, if applicable (see also Sections 100.110 and 100.415(b));
- 12) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed.

- b) Under the Section Numbers and Emergency Action columns at the beginning of the Notice of Emergency Rules (see subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the ~~Code--Division~~ Index Department staff to accurately compile the Sections Affected Index for each week's Register. All Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed in these columns. If an agency omits from this listing one or more Sections or any supplementary material the text for which is included, or lists one or more Sections or any supplementary material the text for which is not included, or the action being taken is listed incorrectly, the material will be returned to the agency for corrections prior to its

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- being published in the Register and prior to its being filed and taking effect.
- c) All emergency action to one Part shall appear on one Notice, unless the Part is being repealed in its entirety and replaced by a new Part (same subject matter) by emergency action. In this instance only, two Notices, one for the repealer and one for the new Part, will be accepted for publication in one issue of the Register.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.640 Effectiveness

- a) Pursuant to Section 5-45 of the IAPA, an emergency rule may be in effect for not longer than 150 days. No emergency rule may be adopted more than once in any 24-month period except as noted in Section 5-45 of the Act.

1) If the agency involved does not adopt, amend, or repeal the rule through the general rulemaking process during the 150-day period, the rule shall automatically expire at the end of the period.

2) If the agency adopts the rule through the general rulemaking process prior to the expiration of the 150-day period, the permanently adopted rule will automatically replace the emergency rule.

3) If the emergency is due to expire before the expiration of the 150-day period (other than by means of adopting the rule through the general rulemaking process), the date on which the emergency rule is to expire shall be shown on the Notice of Emergency Rules (Amendments, Repealer).

- b) In the event an emergency rule expires without being adopted through the general rulemaking process, the Administrative-Code-Division Index Department will replace the expired emergency Sections with the original text of the affected Sections in effect prior to the emergency. (See Section 5-45 of the IAPA) The agency shall file a new table of contents page(s) with the Code-Division Index Department. The new table of contents shall not contain the word "EMERGENCY" under the Section numbers unless another emergency rule is still in effect on that Part. It shall include an updated main source note entry indicating the emergency expiration date immediately following the emergency affected.

- c) If the expiration involves a new Section, a new table of contents will be required with "(emergency expired)" noted next to the Section heading(s) involved; an entry following the emergency action noting the emergency expiration date in the main source note; and a replacement page for the Section showing the Section heading(s) followed by "(emergency expired)" and the Section source note reflecting the emergency action followed by the emergency expiration date.

- d) If the expiration involves a new Part, a replacement page will be

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required for filing with the proper headings and a source note indicating the emergency action involved and the emergency expiration date.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.655 Code-Division Index Department Review of Emergency Rules

The Administrative-Code-Division Index Department will review emergency rules (amendments, repealer) in accordance with the specifications listed in Section 100.545 with the following addition: The word EMERGENCY must appear immediately under the Section number of each Section affected both in the Part's table of contents and in the text both for the Register version and the file.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.660 Certificate of Review and Approval

Emergency rules should be submitted to the Code-Division Index Department for review five (5) working days prior to the date the emergency rule is to take effect. If time requires, however, the emergency rule may be filed and published to become effective immediately without the Certificate of Review and Approval provided it meets the filing and publication requirements of this Part. If the filing and/or publication requirements as outlined in this Part have not been met, the material cannot be published until the appropriate corrections have been made and the material has been re-submitted to the Code-Division Index Department. These codification changes shall affect neither the validity of the rule nor its effective date. When the rule meets the rulemaking requirements outlined in this Part, the Code-Division Index Department will sign its Certificate of Review and Approval.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.670 Modification of an Emergency Rule

- a) To modify an emergency rule in response to an objection issued by JCAR, the agency must submit to the Code-Division Index Department one (1) ASCII format file or an acceptable word processing program on a 3 1/2 inch disc, one (1) original and four (4) paper copies of a Notice of Modification of Emergency Rules (Amendments, Repealer) in Response to a JCAR Objection which indicates the following:

- 1) The heading of the Part;
- 2) The Code citation;
- 3) Section numbers;
- 4) Illinois Register citation to the Notice of Emergency Rules (Amendments, Repealer);

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- 5) Illinois Register citation to the JCAR Statement of Objection;
- 6) The effective date of the emergency rulemaking;
- 7) The date the modified rules were filed in the Code Division;
- 8) The specific modifications being made; and
- 9) The full text of the Sections being modified showing by strike-outs and underscoring the changes being made.
- b) The format for this Notice is shown in 100.Appendix C, Illustration D.
- c) The agency shall also submit one original and two (2) copies of the modified Sections for filing including the Part's table of contents and all affected Sections.
- d) A cover letter and agency certification must also accompany the materials listed above.
- e) These modifications do not extend the original 150 day time limit of the emergency rulemaking.
- f) The modified rules (amendments, repealer) must also meet all the codification, filing, and publication requirements as outlined in this Part prior to the Code Division's filing and publishing the Notice of Modification to Emergency Rules (Amendments, Repealer).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.680 Repeal of an Emergency Rule

If an emergency rule must be repealed before the end of the 150 day period (other than by means of a specified expiration date specified on the original Notice of Emergency Rules (Amendments, Repealer), the repeal must be an emergency repeal even if done in response to a JCAR objection. Any rules which have been adopted and filed in the Code-Division Index Department may not be withdrawn.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART G: PEREMPTORY RULES

Section 100.710 Notice of Peremptory Rules

- a) Each peremptory rule submitted for Register publication shall include a Notice of Peremptory Rules (Amendments, Repealers) (see 100.Appendix D, Illustration A) at the beginning of which shall appear the information listed in subsections (1) through (13) below. On the next page shall appear the full text of the rules and, if the peremptory rulemaking is an amendment to or repeal of an existing Part, the text as it is on file in the Code Division with all changes shown by strike-outs and/or underscoring.
- 1) Heading of the Part;
- 2) Code Citation (include only the Title number, the Code abbreviation, and the Part number);

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- 3) Section numbers (list in numerical order) (include supplementary material) Peremptory Action (new Sections, amendments, repeals, renumbering, etc.)
- 4) Reference to the appropriate state or federal court order, federal law, or federal rule and the agency's reason for peremptory rulemaking;
- 5) Statutory authority;
- 6) Effective date;
- 7) A complete description of the subjects and issues involved;
- 8) Whether the rule contains an automatic repeal date;
- 9) Date filed in agency's principal office;
- 10) A statement that the rule is filed in compliance with Section 5-50 of the Act;
- 11) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as this peremptory rulemaking. If so, please specify Section numbers, the proposed action, and the Register citation to the Notice of Proposed Rules;
- 12) A Statement of Statewide Policy Objectives (if applicable) (see also Sections 100.110 and 100.415(b)); and
- 13) The name, address and telephone number of the person to whom information and questions concerning this peremptory rule shall be directed.
- b) Under the Section Numbers and Peremptory Action columns at the beginning of the Notice of Peremptory Rules (Amendments, Repealer) (See subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. All Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns. If an agency omits from this listing any Sections or supplementary material the text for which is included in the Notice, or lists any Sections or supplementary material the text for which is not included, or the action being taken is listed incorrectly, the materials will be returned to the agency for corrections prior to the Code-Division's Index Department's accepting the material for publication and filing.
- c) All peremptory rulemaking action for one Part shall appear on one Notice. The Administrative Code Division will not accept for Register publication more than one Notice per Part per issue of the Register, unless the agency is repealing a Part in its entirety and adopting a new Part (same subject matter) to replace the repealed Part. In this instance only, the Code-Division Index Department will accept two Notices, one for the repealed Part and one for the new Part, for publication in the same issue of the Register.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Section 100.735 Code-Division Index Department Review of Peremptory Rules

The Administrative-Code-Division Index Department will review peremptory rules (amendments, repealer) in accordance with the specifications listed in Section 100.545.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.740 Certificate of Review and Approval

Agencies should submit peremptory rules to the Code-Division Index Department for review at least five (5) working days before the rules are to become effective. If time requires, however, a peremptory rule will be filed and published to become effective immediately without the Certificate of Review and Approval provided it meets the filing and publication requirements of this Part. If the material being submitted does not meet the filing and/or publication requirements as outlined in this Part, the material will be returned to the agency for corrections prior to being accepted for publication. When the Part meets the codification requirements outlined in this Part, the Code-Division Index Department will sign the Certificate of Review and Approval. See Section 100.550.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.810 Effectiveness; Exemption from Notice

Rules filed pursuant to this Subpart become effective upon filing with the Administrative-Code-Division Index Department, and may be adopted, amended, or repealed without the Notice of Proposed Rules (Amendments, Repealer). Agencies shall submit a copy of both the Register version and the file version for review five (5) working days prior to the date the rules are to become effective. The file copy of such rules shall be as specified in Section 100.500. A Notice of Adopted Rules (Amendments, Repealer) and the text of the rules shall be submitted by the agency for publication in the Illinois Register as outlined in Sections 100.530 and 100.540. The agency shall also submit an agency certification of the rules as illustrated in 100.Appendix B, Illustration C and those documents specified in Section 100.510(a).

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART H: INTERNAL RULES

Section 100.815 Code-Division Index Department Review of Internal Rules

NOTICE OF ADOPTED AMENDMENTS(S)

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The Administrative-Code-Division Index Department will review all internal rules (amendments, repealers) for compliance with the filing, codification, and publication requirements pursuant to Section 100.545.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.820 Certificate of Review and Approval

Each internal rule submitted to the Administrative-Code-Division Index Department for filing and for Register publication shall be issued the signed Certificate of Review and Approval (100.Appendix B, Illustration C), indicating that the codification, filing, and publication requirements outlined in this Part have been met. (See Sections 100.450 and 100.550)

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART I: PROHIBITED FILING

Section 100.900 Certified Statements from Joint Committee on Administrative Rules

If JCAR prohibits the filing of a proposed rule or suspends an emergency or peremptory rule, pursuant to Sections 5-115 and 5-125 of the Act, it shall submit a certified statement prohibiting the rulemaking to the Administrative-Code-Division Index Department. The certified statement shall be in accordance with Illinois Register publication requirements as outlined in Section 100.220 of this Part.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART J: PUBLIC INSPECTION AND COPYING

Section 100.1000 Certified Rules; Inspection

As specified by Section 5-65 of the IAPA, each agency is required to file both in the Office of the Secretary of State and the agency's principal office a certified copy of all rules adopted by the agency including any amendments to or repeal of such rules or portions thereof. Both the Administrative-Code-Division Index Department and the agency shall keep a permanent register of the rules which shall be open to public inspection.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.1010 Photocopies and Fees

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The Administrative-Code-Division Index Department shall provide a copy of any rule, including a certification thereof when requested, to the public upon request, either in person or in writing, such copies being subject to fees according to Ill. Rev. Stat. 1991, ch. 53, par. 24- ¶(5 ILCS 290/10)1-.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.1020 Illinois Administrative Code

The Illinois Administrative Code provides public access to all the rules of the state's agencies on file with the Office of Secretary of State. The Administrative-Code-Division Index Department will publish an annual Code. The Illinois Register serves as the weekly update supplement to the Illinois Administrative Code.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.1025 Public Domain

The codification system, the indexes, tables and other aids for locating rules prepared by the Secretary of State, notes, and other materials developed under this Section in connection with the publication of the Illinois Administrative Code and Illinois Register shall be the official compilation of the administrative rules of Illinois and shall be entirely in the public domain for purposes of federal copyright law. (Sec. 5-80 of the Act)

(Source: Added at 18 Ill. Reg. _____, effective _____)

Section 100.1030 State Property (Repealed)

Section-5-80-of-the-Act-specifies-that-the-codification-system-indexes tables-and-other-aids-relevant-to-the-publication-of-the-illinois Administrative-Code-shall-be-the-property-of-the-State-No-person-may-attempt to-copyright-or-publish-for-sale-such-materials-except-the-Secretary-of-State as-provided-in-this-Section.

(Source: Repealed at 18 Ill. Reg. _____, effective _____)

SUBPART K: MISCELLANEOUS

Section 100.1100 Recodification of Rules

When an agency or the Administrative-Code-Division Index Department determines that, for public information and understanding or for better coordination of its rules, recodification is necessary, it shall follow the procedures as

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outlined in Section 100.1110. Parts or Sections thereof shall be recodified when:

- a) an entire Part is being renumbered;
- b) more than 6 Sections of a Part are being renumbered;
- c) one or more Sections are being split into two or more Sections;
- d) two or more Sections are being combined into one Section;
- e) one or more Sections of a Part are being renumbered so that the numerical list of the Sections and/or alphabetical list of the Subparts in which they appear falls out of order;
- f) Subparts are being changed;
- g) Chapter numbers and/or headings are being changed;
- h) Subchapter labels or headings are being changed;
- i) Title numbers or headings are being changed;
- j) Subtitle labels or headings are being changed.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.1110 Notice of Recodification

- a) An agency recodifying its existing rules with no substantive changes is exempt from the notice requirements of Section 5-40 of the IAPA and from the publication of the full text of the rules. However, the agency shall be required to submit a Notice of Recodification (See 100.Appendix E, Illustration A) for publication in the Illinois Register. Such Notice shall contain the following information:

- 1) The heading of the Part;
 - 2) The Code citation;
 - 3) The date of Administrative-Code-Division Index Department review;
 - 4) The current headings and numbers of the rules being recodified;
 - 5) The outline of headings of Sections of the rules as recodified;
 - 6) A conversion table of present and recodified rules.
- b) When an agency recodifies a Part, it must submit a copy of the Notice of Recodification and a copy of the text of the Part as recodified to the Code-Division Index Department for review at least 30 days prior to the date the agency wishes to adopt the recodified Part.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.1115 Code-Division Index Department Review of Recodified Rules

The Administrative-Code-Division Index Department staff will review each recodified rule to check compliance with the specifications outlined in Section 100.545(b) and Appendix E, Illustration A.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

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Section 100.1120 Certificate of Review and Approval

Prior to filing recodified rules with the Administrative-Code-Division Index Department, the agency must obtain a Certificate of Review and Approval from the Code-Division Index Department (See Appendix E, Illustration C and Sections 100.450 and 100.550). Such Certificate shall only be issued when the rules being recodified meet the requirements not only of codification but also of filing and publication as outlined in this Part. Prior to accepting recodified rules for filing, the Administrative-Code-Division Index Department staff shall review the rules and the Notice of Recodification to ensure that they meet the codification, filing, and publication requirements as outlined in this Part and, if so, will issue a Certificate of Review and Approval. Please refer to Section 100.550 for further information on the Certificate of Review and Approval.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.1130 Format for Register Publication of Notices of the Joint Committee on Administrative Rules

a) The format for Register publication of JCAR Statements of Objection or Recommendation shall be as shown in Appendix E, Illustration E and as follows:

- 1) Under "Heading of the Part," the heading of the Part on which objections are being issued shall be listed as it appears on the Part's table of contents on file and in effect in the Code Division Index Department or, if the Part is a new one, as the heading appeared on the Part's table of contents as published in the Register. No Section headings are to be listed here.
 - 2) Under "Code Citation," the citation to the Part as it appeared in the proposal published in the Register shall be shown.
 - 3) Under "Section Numbers," the Section numbers as they appeared in the proposal shall be listed. No subsection labels are to be listed in this column.
 - 4) Under "Proposed Action," the action as shown on the Notice of Proposed Rules (Amendments, Repealer) shall be listed.
 - 5) Each page of the Notice shall have the four Register headings as shown in Appendix E, Illustration E.
- b) For all other Notices submitted by JCAR for Register publication:
- 1) Each page of the Notice shall contain the following:
 - A) The Register heading (the words ILLINOIS REGISTER centered on a solid line one inch from the top of the page);
 - B) The name of the agency in all capital letters one double-space under the solid line;
 - C) The type of Notice in all capital letters one double-space under the agency name;
 - D) The text of the Notice beginning one double-space under the type of Notice.

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- 2) If the Notice concerns rules on file in the Code Division or a new Part being proposed, the first page shall also specify:
 - A) The name of the agency whose rules the Notice concerns;
 - B) The Code Citation for the Part;
 - C) The Section Numbers of the Part involved.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.1140 Code-Division Index Department Review of Other Notices and Materials Submitted for Register Publication

The Administrative-Code-Division Index Department will review other Notices and materials submitted for Register publication to:

- a) determine whether they meet the publication requirements outlined in this Part, and
- b) determine whether they are statutorily required to be published in the Illinois Register.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.1150 Regulatory Agendas

Pursuant to Section 5-30 of the IAPA, an agency may submit for publication in the Illinois Register a regulatory agenda to elicit public comments concerning any rule which the agency is considering proposing but for which no notice of proposed rulemaking activity has been submitted to the Illinois Register. The format for a regulatory agenda appears in 100.Appendix E, Illustration F. All regulatory agendas submitted to the Administrative-Code-Division Index Department shall meet the requirements for Register publication as outlined in this Part.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

SUBPART L: ILLINOIS ADMINISTRATIVE CODE

Section 100.1200 Availability

- a) Each state agency having rules on file in the Office of the Secretary of State, Administrative-Code-Division Index Department, the constitutional officers, and members of the Illinois General Assembly shall receive, upon request, one complimentary set of the Illinois Administrative Code. Requests must be received in writing by the Administrative-Code-Division Index Department. The Illinois State Library will receive forty (40) sets for the depository library program. Any additional sets desired by an agency must be purchased.
- b) All other persons, businesses, and organizations wishing to purchase

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- sets of the Illinois Administrative Code may purchase them at the fee specified in Section 100.1210.
- c) All orders will be filled on a first-come, first-served basis.
- d) All requests for purchase must follow the procedures specified in Section 100.1210.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

Section 100.1210 Fees

- a) The Illinois Administrative Code is available at a fee of \$290.00 per set from the Administrative--Code--Division Index Department which covers publication and mailing costs, as specified in Section 5-80(f) of the IAPA.
- b) All requests for complete sets of the Illinois Administrative Code may be charged to an accepted credit card Master-Card-or-Visa or must be requested in writing and accompanied by a check or money order made payable to SECRETARY OF STATE. Cash will not be accepted.
- c) Requests for complete sets of the Illinois Administrative Code will be honored on a first-come, first served basis until supplies are depleted.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

NOTICE OF ADOPTED AMENDMENTS(S)

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Section 100.APPENDIX E Miscellaneous**Section 100.ILLUSTRATION A Notice of Recodification**

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF RECODIFICATION

- 1) Heading of the Part:
- 2) Code Citation: _____ Ill. Adm. Code _____
- 3) Date of Administrative--Code--Division Index Department Review:
- 4) Headings and Section Numbers of the Part Being Recodified:
Section Numbers Headings
- 5) Outline of the Section Numbers and Headings of the Part as Recodified:
Section Numbers Headings
- 6) Conversion Table of Present and Recodified Parts:

Present Part (Section Numbers)	Recodified Part (Section Numbers)
-----------------------------------	--------------------------------------

(Source: Amended at 18 Ill. Reg. _____, effective _____)

NOTICE OF ADOPTED AMENDMENTS(S)

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Section 100. ILLUSTRATION C Certificate of Review and Approval

Certificate of Review and Approval

HEADING AND CODE CITATION

The ~~Administrative-Code-Division~~ Index Department certifies that the attached rule of the

(Name of Agency, Board, Commission or Department)

has been reviewed and approved this _____ day of 10414 , 19 ____.
Statutory Authority:
Illinois Compiled Statutes _____ ILCS _____

Signature of Officer _____

Title of Officer _____

AGENCY NOTE: The issuance of this Certificate indicates that the rule meets the requirements of codification, filing, and publication only.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

NOTICE OF ADOPTED AMENDMENTS(S)

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Section 100. ILLUSTRATION D Notice of Codification Changes

NOTICE OF CODIFICATION CHANGES

- 1) Heading of the Part: _____
- 2) Code Citation: _____ Ill. Adm. Code _____
- 3) Effective Date of Rules (Amendments, Repealer): _____
- 4) Date Adopted (Emergency, Peremptory) Rule Appeared in the Illinois Register: _____
- 5) Pursuant to Section 5-80 of the Illinois Administrative Procedure Act, the ~~Administrative-Code-Division~~ Index Department has made the following changes in the codification of the above named rule:

The above changes have been made to the rule which is on file in the ~~Administrative-Code-Division~~ of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rule nor the date on which it became effective.

(Source: Amended at 18 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part:

WIC Vendor Management Code

2) Code Citation:

77 Ill. Adm. Code 672

3) Section Numbers:

672.105
672.220
672.315
672.420
672.445
672.450
672.505
672.510
672.515
672.520
672.525
672.600
672.605
672.610
672.615
672.620
672.625
672.630
672.635
672.640
672.645
672.650
672.655
672.660
672.665
672.670

Emergency Action:

Amendment
Amendment
Repealer
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
Repealer
New Section
Repealer
Amendment
Repealer
Repealer
Repealer
Repealer
Repealer
Repealer
Repealer
Repealer
Repealer
Repealer
Repealer
Repealer
Repealer
Repealer

4) Statutory Authority:

Implementing and authorized by the WIC Vendor Management Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7551 et seq.) (410 ILCS 255).

5) Effective Date of Emergency Rules:

August 12, 1994

6) If this Emergency Rule is to Expire Before the End of the 150-Day Period, Please Specify the Date on Which it is to Expire:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF EMERGENCY AMENDMENTS

Not Applicable

7) Date Filed in Agency's Principal Office:

August 12, 1994

8) Reason for Emergency:

The amendments to the WIC Vendor Management Code which became effective February 1, 1994, increased the sanctions the Department can impose on WIC vendors for violations of the Code. Since that time, the Department has been sued by numerous vendors seeking to prevent the imposition of such strict sanctions. In light of several adverse rulings, the Department feels that it can effectively enforce the Code with less strict sanctions which will then pass judicial scrutiny. In order to avoid the cost of future litigation, the Department believes it must make these sanctions effective immediately.

9) A Complete Description of the Subjects and Issues Involved:

These amendments reduce and clarify the sanctions and definitions of the levels of violations and clarifies when a breach of contract occurs. They also clarify hearings procedures to make them consistent with the procedures used for other administrative hearings before the Department. The rulemaking also specifies that the 30 day notice period for changes in the vendor contract does no apply to changes resulting from emergency rulemakings.

10) Are There Any Proposed Amendments Pending on this Part?

Yes _____ No X _____

11) Statement of Statewide Policy Objectives:

These rules will not require new expenditures by units of local government.

12) Information and Questions Regarding these Emergency Rules shall be directed to:

Gail M. DeVito
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-6187

The full text of the Emergency Rules begins on the next page.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER I: MATERNAL AND CHILD HEALTH

PART 672

WIC VENDOR MANAGEMENT CODE

SUBPART A: GENERAL PROVISIONS

Section	Definitions
672.100	Incorporated and Referenced Materials
672.105	Purpose
EMERGENCY	Application of These Rules
672.110	
672.115	

SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

Section	Geographic Distribution and Number of Vendors
672.200	Application Procedures
672.205	Authorization Criteria and Procedures
672.210	WIC Food List and Quantities
672.215	Criteria for Denial of Authorization
672.220	Denial of Authorization
EMERGENCY	
672.225	

SUBPART C: WIC VENDOR EDUCATION

Section	Initial WIC Retail Training by the Department
672.300	Initial WIC Retail Training by a Vendor
672.305	Annual WIC Retail Training Program
672.310	Compliance Training Workshop (Repealed)
672.315	
EMERGENCY	

SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

Section	Authorization
672.400	WIC Vendor Contract Requirement
672.405	Expiration of WIC Vendor Authorization and Contract
672.410	Food Instrument Processing
672.415	Specifications for Rejection of Food Instruments
672.420	
EMERGENCY	
672.425	WIC Retail Vendor Responsibilities
672.430	Payment Obligation
672.435	Conflict of Interest
672.440	Unlawful Discrimination

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

672.445	Amendments Resulting From a Change in Statute or Regulation
EMERGENCY	
672.450	Assignment or Transfer
EMERGENCY	
672.455	Civil Law Suits
672.460	Voluntary Withdrawal from the WIC Vendor Contract
672.465	Notices

SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

Section	Compliance Monitoring Inspections
672.500	Violations
672.505	
EMERGENCY	WIC Vendor Sanctions
672.510	
EMERGENCY	
672.515	Criteria for Termination or Suspension of Authorization, Prohibition, and/or Fine Assessment
EMERGENCY	
672.520	

Breach of Contract ~~Suspension--of--Authorization--Termination--of~~
~~Authorization--Prohibition--and/or--Fine--Assessment~~

EMERGENCY	Notice of Violation (Repealed)
672.525	
EMERGENCY	

SUBPART F: RULES OF PRACTICE AND PROCEDURES IN ILLINOIS WIC RETAIL VENDOR
 ADMINISTRATIVE HEARINGS

Section	Hearings Applicability--(Repealed)
672.600	Parties to Hearings (Repealed)
EMERGENCY	
672.605	Appearance and Representation of a Party
EMERGENCY	
672.610	Commencement of an Action (Repealed)
EMERGENCY	
672.615	Motions (Repealed)
EMERGENCY	
672.620	Discovery (Repealed)
EMERGENCY	
672.625	Form of Papers (Repealed)
EMERGENCY	
672.630	Service (Repealed)
EMERGENCY	
672.635	Pre-Hearing Conferences (Repealed)
EMERGENCY	
672.640	Conduct of Hearings (Repealed)
EMERGENCY	
672.645	
EMERGENCY	

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

672.650 Subpoenas (Repealed)

EMERGENCY

672.655 Burden of Proof (Repealed)

EMERGENCY

672.660 Administrative Law Judge's Report and Final Decision (Repealed)

EMERGENCY

672.665 Records of Proceedings (Repealed)

EMERGENCY

672.670 Miscellaneous (Repealed)

EMERGENCY

APPENDIX A Illinois Regional Map

AUTHORITY: Implementing and authorized by the WIC Vendor Management Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7551 et seq.) [410 ILCS 255]

SOURCE: Adopted at 14 Ill. Reg. 19984, effective December 1, 1990; amended at 16 Ill. Reg. 17734, effective December 15, 1992; amended at 18 Ill. Reg. 2450, effective February 1, 1994; emergency amendment at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days.

Section 672.105 Incorporated and Referenced Materials

EMERGENCY

a) The following materials are incorporated or referenced in various Sections of the Part:

- 1) The WIC Vendor Management Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7551 et seq.) [410 ILCS 255]
- 2) USDA WIC Regulations, 7 CFR Part 246 (September 1990)
- 3) The Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.11-1 et seq.) [30 ILCS 505] (Sections 672.210(a)(5) and (7) and 672.435)
- 4) Criminal Code of 1961 (Ill. Rev. Stat. 1991, ch. 38, par. 33E-3 and 33E-4) [720 ILCS 5/33E-3 and 33E-4] (Section 672.210(a)(10))
- 5) Illinois Human Rights Act (Ill. Rev. Stat. 1991, ch. 68, par. 2-102(a)) [755 ILCS 5/2-102(a)] (Section 672.440)
- 6) Code of Federal Regulations, 7 CFR 15, 15a and 15b (Section 672.440)
- 7) Rules of Practice and Procedure in Administrative Hearings, 77 Ill. Adm. Code 100.

b) All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.

c) All citations to federal regulations in this Part concern the specified regulation in the January 1990 Code of Federal Regulations, unless another date is specified.

d) Copies of all incorporated materials are available for inspection and duplication (at a fee in accordance with Section 1126.410 of the Department's Freedom of Information Code (2 Ill. Adm. Code 1126)) by

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENTS

the public at the Department's Central Office, Division of Health Assessment and Screening (535 West Jefferson, Springfield, Illinois 62761).

(Source: Emergency amendment at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days.)

Section 672.220 Criteria for Denial of Authorization

EMERGENCY

A determination by the Director or designee to deny Authorization shall be based upon a finding that one (1) or more of the following criteria are met:

- a) The Applicant has not met the requirements of the USDA WIC Regulations, the Act, or this Part.
- b) The Applicant has submitted false, erroneous, or inaccurate information on the Application, or in the business or financial information provided to the Department or during the course of the on site inspection of the proposed Vendor Site.
- c) The Applicant has refused to allow the Department access to inspect the proposed Vendor Site during the Applicant's normal business hours.
- d) The Applicant has submitted a FEIN or Social Security number for the Business Entity to be operated at the proposed Vendor Site which is not the same FEIN or Social Security number filed for the same Business Entity with the USDA Food Stamp Program and/or with the Illinois Department of Revenue.
- e) The Applicant does not have the necessary local, municipal, or village license to operate as a Business Entity at the proposed Vendor Site.
- f) With the exception of Pharmacies, the Applicant has previously been authorized as a WIC Vendor and the Applicant's charges as a Vendor for WIC Foods, for a minimum of three (3) months during the contract period, were:
 - 1) more than the Department Estimated Costs for those WIC Foods as reflected in the Vendor Price Survey; or
 - 2) at least five percent (5%) or greater than the average charges submitted by other Vendors of the same Store Type in the same geographic region.
- g) The Applicant has previously been authorized as a WIC Vendor and the Applicant had more than one percent (1%) per month of all Food Instruments submitted to the contract bank rejected for a maximum of three (3) months during a contract period.
- h) The USDA Food Stamp Program has imposed against the Applicant any of the following sanctions:
 - 1) civil money penalty;
 - 2) suspension;
 - 3) disqualification;
 - 4) permanent disqualification.
- i) Failure to pay any fine or reimbursement within the time specified by the Department.

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(Source: Emergency amendment at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.315 Compliance Training Workshop (Repealed)

EMERGENCY

- a) Any WIC Retail Vendor who has been found to have committed a Class-A or Class-B or Class-C Violation, as defined in Section 672-505, shall be required to attend a compliance training workshop as required in Section 672-510. Any Vendor required to attend shall not represent more than one (1) WIC Retail Vendor Site at any compliance workshop. Attendance at a compliance training workshop must be completed within the time period specified in a final order entered pursuant to Section 672-669.
- b) The Vendor shall be notified in writing of the workshop date by the Department.
- c) Workshop topics shall include but not be limited to the following: the WIC Vendor Contract; the USDA WIC Regulations; the Act; and the provisions of this Part.
- d) All Vendors or representatives of the Vendor at a compliance workshop shall sign a roster indicating their attendance.
- e) At the end of the compliance workshop, each Vendor or representative of the Vendor shall sign a certification of understanding of the topics addressed during the compliance workshop.

(Source: Emergency repealer at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.420 Specifications for Rejection of Food Instruments

EMERGENCY

- a) Food Instruments shall be rejected for payment for the following reasons:
- 1) Submission of a Food Instrument before the "First Day To Use".
 - 2) Submission of a Food Instrument for payment more than sixty (60) calendar days past the "First Day To Use".
 - 3) Submission of a Food Instrument identified by the Department or the Department's contract bank as Invalid Vendor.
 - 4) Submission of a Food Instrument by an unauthorized Vendor, or submission of a Food Instrument which has an unauthorized, inaccurate, or missing Vendor Number.
 - 5) Submission of a Food Instrument without a Participant or Proxy signature.
 - 6) Submission of a Food Instrument whose value is greater than the maximum value amount printed on the Food Instrument.
 - 7) Submission of a Food Instrument which has been altered.
 - 8) Submission of a Food Instrument which has been fraudulently created.
 - 9) Submission of a Food Instrument after notice that a material

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breach of contract has occurred (Section 672-515(f)(7) 520).
10) Submission of a Food Instrument accepted after the term of the contract expires.

b) The following Food Instruments presented to the Department's contract bank shall not be paid:

- 1) Food Instruments without the participant's signature;
- 2) Food Instruments with a missing, inaccurate, or Invalid Vendor Number;
- 3) Food Instruments submitted for payment before the "First Day to Use;"
- 4) Food Instruments that have been altered;
- 5) Food Instruments that are over the maximum value; or
- 6) Food Instruments that have not been obligated by the local agency (stolen stock).

c) Appeal procedures for Food Instruments rejected as "Invalid Vendor" and "Amount Invalid" are stated below:

- 1) The Vendor shall have the option to restamp the Food Instruments which were rejected for "Invalid Vendor". The corrected Food Instrument(s) may be resubmitted according to the instructions described in Section 672.415(g) and (h).
- 2) The Vendor shall have the option to correct the "Actual \$ Amount of Sale" on the Food Instruments rejected for "Amount Invalid". The corrected Food Instrument(s) may be resubmitted according to the instructions in Section 672.415(g) and (h).
- d) Excessive rejection of Food Instruments shall be grounds for denial of authorization of the Vendor's Contract as cited in Section 672.220(g).

(Source: Emergency amendment at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.445 Amendments Resulting From a Change in Statute or Regulation

EMERGENCY

The Department shall amend the WIC Vendor Contract, in writing, to include or incorporate additional provisions which shall be required as a result of a change in Federal or State statute or regulation or which shall be required by the Department for the administration, operation, or evaluation of the WIC Program. The Vendor shall receive thirty (30) calendar days notice of the effective date of such amendments, except where such amendments are required as a result of emergency rules adopted pursuant to Section 5-45 of the Illinois Administrative Procedure Act.

(Source: Emergency amendment at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.450 Assignment or Transfer

EMERGENCY

- a) The Vendor shall not sell, assign, or transfer in any manner its

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Authorization, the WIC Vendor Contract, WIC Vendor Stamp, or WIC Vendor Number. Any actual or attempted sale, assignment or transfer of the Authorization, WIC Vendor Contract, WIC Vendor Stamp, or WIC Vendor Number shall be a material breach of the WIC Vendor Contract.

- b) It shall also be a material breach of the WIC Vendor Contract if any unauthorized individual, corporation, partnership, limited partnership, unincorporated association or former vendor improperly acquires WIC Authorization after the death of a Vendor (if an individual) or the voluntary or involuntary dissolution of a Vendor corporation, partnership, limited partnership, unincorporated association, or firm, and shall subject the Vendor to termination of its Authorization and a fine assessment in accordance with Sections 672.510, 672.515 and 672.520 of these rules. In addition, any assignee, transferee, buyer, or recipient of a Vendor's Authorization, WIC Vendor Contract, WIC Vendor Stamp, or WIC Vendor Number shall be in violation of this Part and shall be subject to the sanctions set forth in Section 672.510-672.520 of these rules.

- c) At least fifteen (15) calendar days in advance, the Vendor shall notify the Department of any scheduled sale, lease, bankruptcy or cessation of the Vendor's Business Entity, or of any sale of a majority interest in the Vendor's Corporation, partnership, sole proprietorship, or business entity. Such notification shall be sent by certified mail and in writing to the place and address listed in the WIC Vendor Contract, Section XVI Notices.

(Source: Emergency amendment at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.505 Violations EMERGENCY

Violations shall be classified as either Class A Violations, Class B Violations, or Class C Violations. Each Class of violation is listed below.

- a) Class A Violations:

- 1) Imposition of any of the following sanctions by the USDA Food Stamp Program:

- A) civil money penalty
- B) suspension
- C) disqualification
- D) permanent disqualification

- 2) Exchanging cash for Food Instrument(s).

- 3) Exchanging non-food items for Food Instrument(s).

- 4) Charging WIC Participants, Proxies or Department Representatives more for WIC Foods than non-WIC customers.

- 5) Charging the WIC Program for WIC Foods not received by the Participant, Proxy or Department Representatives.

- 6) Claiming reimbursement for the sale of any amount of WIC Food which exceeds the store's documented inventory of that food for a specified period of time.

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- 7) Submitting false, erroneous or inaccurate information on the application or WIC Retail Vendor Contract.
- 8) Exchanging credit for WIC Food Instrument(s).
- 9) Exchanging alcohol for WIC Food Instrument(s).
- 10) Receiving WIC Food Instrument(s) from any source other than a Participant, a Proxy or a Representative of the Department.
- 11) Transacting WIC Food Instrument(s) from any source other than a Participant, a Proxy or a Representative of the Department.
- 12) Redeeming WIC Food Instrument(s) which have been received from any source other than a Participant, a Proxy or a Representative of the Department.

- 13) Charging WIC Participants, Proxies or Department Representatives more than the Posted Shelf Price for WIC food items.

- 14) Charging the WIC Program for WIC Foods provided in excess of those listed on the WIC Food Instrument(s).

- 15) Failure to maintain the minimum required quantity, size and type foods in at least three (3) WIC Foods excluding infant formula as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract. (See definition of "Minimum Supply of WIC Foods" in Section 672.100.)

- 16) Failure to maintain the minimum required quantity, size and type of infant formula as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract. (See definition of "Minimum Supply of WIC Foods" in Section 672.100.)

- 17) Acceptance of WIC Food Instrument(s) that is signed by a Participant, a Proxy, or a Department Representative before the total actual cost is filled in by the Vendor.

- 18) Submission of false, erroneous, or inaccurate information in the business or financial information provided to the Department, on the Retail Vendor Price Survey, or during the course of inspections of the Vendor Site.

- 19) Refusing to allow the Department access to inspect the Vendor Site during normal business hours.

- 20) Submission of a Federal Employers Identification Number (FEIN) for the Business Entity operating as a Vendor which differs from the FEIN filed for the same Business Entity with the USDA Food Stamp Program or with the Illinois Department of Revenue.

- 21) Failure to fulfill the terms of the WIC Vendor Contract.
- 22) The sale, lease, assignment, transfer or discontinuation of the Business Entity or moving the Business Entity to a new location or new address without notice to and approval of the Department.

- 23) Use of WIC Authorization by any unauthorized individual, corporation, partnership, limited partnership, unincorporated association or former Vendor who has improperly acquired WIC Authorization after the death of a Vendor (if an individual) or the voluntary or involuntary dissolution of a Vendor corporation, partnership, limited partnership, and unincorporated association.

b) Class B Violations:

- 1) Substitution of unauthorized foods not specified on the Food

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Instruments or WIC Food List.

- 2) Failure to maintain the minimum required quantity, size and type foods, as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract, but only if this failure is for two (2) or fewer WIC Foods excluding infant formula. (See the definition of "Minimum Supply of WIC Foods" in Section 672.100.)
- 3) Requiring a Participant to select a different type or brand of WIC Foods when not specified on the Food Instrument.
- 4) Altering or submitting for payment altered Food Instruments.
- 5) Accepting any remuneration for the difference between the maximum value of the Food Instrument and the shelf price of the WIC Foods.
- 6) Having any expired WIC Food(s) on the shelf. (See Section 672.100 "Expired Food")
- 7) Acceptance of a Food Instrument that is signed by the Participant, Proxy, or Department Representative before the total actual cost is filled in by the Vendor.
- 87) Refusing to allow Participants, Proxies or Department Representatives to take all food items listed on the Food Instrument.
- 98) Not posting the shelf price for WIC Foods. If no price is posted, then for purposes of this Section, the Posted Shelf Price shall be deemed to be the average price for a particular food based on the Retail Vendor Price Surveys performed pursuant to this Part, for stores of like size and location.
- 100) The possession, the display on the shelf in the Vendor site, the attempted sale or actual sale of food products which originated from the WIC Food Centers or the Commodity Supplemental Food Program (CSFP).
- c) Class C Violations:
 - 1) Exchanging cash or credit for Food Instruments without a valid WIC Retail Vendor Contract.
 - 2) Exchanging alcoholic beverages, food or non-food items for WIC Food Instruments without a valid WIC Retail Vendor Contract.
 - 3) Exchanging WIC Food Instruments for cash, credit or favors without a valid WIC Retail Contract.

(Source: Emergency amendment at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.510 WIC Vendor Sanctions
EMERGENCY

Any Class A or B or C Violation shall require the Vendor, former vendor or any person or entity engaged in the activity of a WIC Vendor to reimburse the Department for any overcharges, charges for items not received, monies paid for products not authorized as WIC Foods, and monies paid for Food Instruments accepted without a valid contract.

a) Any Class A Violation shall constitute grounds for termination of

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Authorization pursuant to Sections 672.515 and 672.520. The length of such termination shall constitute at a minimum termination from the WIC Program for a period of two (2) years. Each such Class A Violation shall also subject a Vendor to a fine assessment of five thousand dollars (\$5,000) and attendance at a compliance training workshop except for the violations cited in Section 672.505(a)(1).

b) Any Class B Violation shall constitute grounds for the following sanctions:

1) The WIC Retail Vendor shall be fined \$2,000 for each Class B Violation. This fine shall be paid and received by the Department within thirty (30) calendar days from the date of the final order.

2) If the Vendor fails to pay the fine within thirty (30) calendar days from the date of the final order, the Department shall suspend the Vendor and an additional fine of two thousand dollars (\$2,000) shall be required to reinstate Vendor Authorization. (See Sections 672.515, 672.520 and 672.615).

c) Any Class C Violation shall constitute grounds for the issuance of a written order which prohibits the person from engaging in the business of a Vendor and the assessment of a fine as detailed in subsection (f) below.

a) Any Class A Violation shall subject a Vendor to the following sanctions:

- 1) Termination from the WIC Program for a period of one year;
- 2) A fine assessment of \$1,500.00;
- 3) Reimbursement to the Department for any overcharges, charges for items not received, monies paid for products not authorized as WIC Foods, and monies paid for Food Instruments accepted without a valid contract.

b) Any Class B Violation shall subject a Vendor to the following sanctions:

- 1) A fine assessment of \$750.00;
- 2) Certification that situation giving rise to the violation has been corrected.

c) Any Class C Violation shall subject the violator to the following sanctions:

- 1) A fine assessment of \$1,500.00;
- 2) Reimbursement to the Department for the "Actual Dollar(s) amount of Sale" indicated on Food Instruments submitted to the Department's contract bank, or the total amount which was credited or paid by the Department's contract bank to the former Vendor, individual, business entity, or commercial enterprise;
- 3) Any individual who held any ownership interest in the violator shall be prohibited from applying to become an authorized WIC Retail Vendor for a period of three (3) years.

d) Regardless of the number and class of violations assessed against a Vendor, the total fine shall not exceed \$6,000.

e) All fine assessments shall be paid within thirty (30) calendar days from date of final order by cashier certified check or money order in

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United States currency. If the fine assessment is not received by the Department within thirty (30) calendar days from the date of the final order, any collection fees and any other costs associated with the collection of the fine assessment shall be paid in addition to the fine.

- e) Any and all compliance training workshops required by the Department for the Vendor or former Vendor, shall be attended within one hundred eighty (180) calendar days from the date of final order.
- f) If any former Vendor or individual, business entity, or commercial enterprise has met the criteria set forth in Section 672.515(d), this shall constitute grounds for the Department to impose a fine of five thousand dollars (\$5,000) for each month that the former Vendor or individual, business entity or commercial enterprise accepts, submits or deposits food instruments for reimbursement from the Department's contract bank; the total fine shall not exceed fifteen thousand dollars (\$15,000); the former Vendor or individual, business entity or commercial enterprise will reimburse the Department for the actual amount of sale indicated on food instruments and submitted to the Department's contract bank; or the total amount which was credited or paid by the Department's contract bank to the former Vendor or individual, business entity, or commercial enterprise as cited in Section 672.515(d).

Source: Emergency amendment at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.515 Criteria for Termination or Suspension of Authorization, Prohibition, and/or Fine Assessment EMERGENCY

- a) A determination by the Director or designee to terminate Authorization and impose a fine assessment shall be based upon a finding that one (1) or more of the following criteria are met:
- 1) the Vendor has not met one (1) or more requirements of the USDA WIC Regulations, the Act, or the provisions of this Part;
 - 2) the Vendor has submitted false, erroneous, or inaccurate information on the Application, in the business or financial information provided to the Department, on the Retail Vendor Price Survey, or during the course of inspections of the Vendor Site;
 - 3) the Vendor has refused to allow the Department access to inspect the Vendor Site during normal business hours;
 - 4) the Vendor has been found by the Department to have violated provisions of Section 672.505(a);
 - 5) the Vendor has submitted a Federal Employers Identification Number (FEIN) for the Business Entity operating as a Vendor which differs from the FEIN filed for the same Business Entity with the USDA Food Stamp Program or with the Illinois Department of Revenue; or

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- 65) the Vendor has not fulfilled the terms of the WIC Vendor Contract.
- b) A determination by the Director or designee to impose a fine shall be based upon a finding that a Vendor has been found by the Department to have violated provisions of Section 672.505(b).

c) A determination by the Director or designee to terminate Authorization shall be based upon a finding that one or more of the following criteria are met:

- 1) the Vendor has sold, leased, assigned, transferred, or discontinued the Business Entity or moved the Business Entity to a new location or new address; or
- 2) the Vendor or corporation, partnership or limited partnership has been voluntarily or involuntarily dissolved or that the Vendor sole proprietor has died;

cd) A determination by the Director or designee to prohibit Vendor activity and impose a fine shall be based upon the finding that a former Vendor, individual, business entity or commercial enterprise violated provisions of Section 672.505(c) or engaged in the activities of a WIC Vendor. (See Section 672.510(f)(c))

de) A determination by the Director or designee to prohibit Vendor activity shall be based upon a finding that the Vendor failed to provide any information as specified in USDA WIC regulations, the Act, or the provisions of this Part part which shall be deemed a material breach of contract.

- e) If the Vendor fails to pay any fine assessed under this Part within thirty (30) days from the date of the final order, the Department shall suspend the Vendor and an additional fine of one thousand five hundred dollars (\$1,500.00) shall be required to reinstate Vendor Authorization.

f) When the Director determines that the termination or suspension of a WIC Vendor's Authorization, prohibition of activity, and/or imposition of fine assessment is to occur, the Department shall notify the Vendor, individual, Business Entity or commercial enterprise that engages in WIC Vendor activities. The notice shall be in writing and shall include:

- 1) A statement of the nature of the basis for the adverse actions. The statement shall include a citation to the provisions of the USDA WIC Regulations, the Act, or this Part on which the sanction is based.

- 2) A description of the right of the Vendor, individual, Business Entity or commercial enterprise to appeal the adverse action and the right to a hearing.

(Source: Emergency amendment at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.520 Breach of Contract Suspension of Authorization, Termination of Authorization, Prohibition, and/or Fine Assessment EMERGENCY

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- a) Upon a determination by the Director that a substantial breach of contract has been committed by a Vendor, the Department shall repudiate its contract with the Vendor and terminate the Vendor Authorization.
- b) In determining whether or not a Vendor has committed a substantial breach of contract the Director shall consider whether participants would be unduly inconvenienced and may consider other relevant criteria.
- c) Any repudiation of the contract by the Department and resultant termination of the Retail Vendor Contract will take affect only after the Vendor receives a 15-day advance written notification of the adverse action, the cause(s) for and effective date of such action.
- a) ~~the termination of Authorization as a WIC-Retail-Vendor; prohibition of activity; and/or imposition of the fine assessment shall occur when the Director or designee finds that the Vendor--individual--business entity--or commercial enterprise that engages in WIC-Vendor activities meets any of the criteria set forth in Section 672-515.~~
- b) ~~When the Director or designee determines that the termination of a WIC Vendor's Authorization; prohibition of activity; and/or imposition of fine assessment is to occur, the Department shall notify the Vendor, individual, business entity or commercial enterprise that engages in WIC-Vendor activities. The notice shall be in writing and shall include:~~
- 1) ~~A statement of the nature of the basis for the adverse actions. The statement shall include a citation to the provisions of the USDA-WIC Regulations, the Act, or this Part on which the termination is based.~~
- 2) ~~A description of the right of the Vendor, individual, business entity or commercial enterprise to appeal the adverse action and the right to a hearing.~~

(Source: Emergency amendment at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.525 Notice of Violation (Repealed)

EMERGENCY

Each notice of violation shall be in writing and shall contain the following information:

- a) a description of the nature of the violation;
- b) a citation of the specific provision of the USDA-WIC Regulations, the Act or this Part which the Department believes has been violated;
- c) a statement of the level of violation as determined pursuant to Section 672-505;
- d) a statement that the Department may take additional action under the Act or this Part, including termination of a WIC Vendor Authorization and the WIC Vendor Contract and an assessment of penalties;
- e) a description of the Vendor's right to appeal the notice within fifteen (15) calendar days of receipt of the notice and the right to

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- ~~request a hearing; and~~
- f) ~~the effective date for any proposed adverse action against a Vendor under Sections 672-225, 672-510 or 672-520.~~

(Source: Emergency repealer at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

SUBPART F: RULES OF PRACTICE AND PROCEDURES IN ILLINOIS WIC RETAIL VENDOR ADMINISTRATIVE HEARINGS

Section 672.600 Hearings ~~Applicability (Repeated)~~

EMERGENCY

Any sanctions imposed pursuant to Sections 672.225 or 672.510 of this Part shall afford the adversely affected party thereto the opportunity to appeal such action by requesting a hearing within fifteen (15) calendar days after receipt of notice. Any notices issued and hearings held shall be in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100), with the addition of the following provisions:

- a) An administrative hearing must be requested within fifteen (15) calendar days after receipt of notice. Failure to request a hearing within this time frame shall constitute a waiver of the person's right to an administrative hearing.
- b) Motions for a continuance shall be granted only in accordance with Section 2-1007 of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 2-1007) [735 ILCS 5/2-1007]. Motions for continuance shall be in writing and filed at least three (3) calendar days prior to the hearing. Such motions shall state the basis for the request and all steps taken to avoid the necessity of a continuance.
- 1) Only one continuance each shall be allowed for the Vendor, Applicant and the Department. No continuance may be for more than fourteen (14) calendar days.
- 2) After one continuance has been granted to a party, an additional continuance may be granted to that party only if there is a bona fide emergency or "Act of God."
- c) The burden of proof rests with the Department in relation to all administrative actions initiated by the Department pursuant to Section 672.510.
- d) The burden of proof rests with the Applicant as to all administrative actions initiated upon a petition for hearing filed by an Applicant after the denial of authorization under Section 672.225.
- e) Construction of Rules: This Part shall not be construed to abrogate, modify, or limit any rights, privileges, or immunities granted or protected by the Constitution or laws of the United States or the Constitution or laws of the State of Illinois. In case of any conflict between this Part and the WIC Vendor Management Act, the terms of the latter shall control. In case of any conflict between this Part and Article II of the Code of Civil Procedure or the Supreme

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Court practice rules, the terms of this Part shall control.

- f) Waiver: Compliance with any of the provision of Subpart F of this Part or with any or all provisions of the IAPA regarding contested cases may be waived by written stipulation of all parties.

(Source: Section repealed at 18 Ill. Reg. 2450, effective February 1, 1994; new Section adopted by emergency action at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days.)

Section 672.605 Parties to Hearings (Repealed) EMERGENCY

~~the Department--and--the Applicants--Vendors--former Vendors--or any person or entity engaged in the activity of a WIC Vendor--shall be--the--only--parties--to administrative hearing--before--the Department.~~

(Source: Emergency repealer at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.610 Appearance and Representation of a Party EMERGENCY

The provisions of Section 100.4 of the Rules of Practice and Procedure in Administrative Hearings, 77 Ill. Adm. Code 100.4, shall not apply to proceedings under this Part, but shall be replaced by the following provisions:

- a) A party may be represented by an attorney who is licensed in Illinois. Attorneys who appear in a representative capacity must file a written notice of appearance setting forth:

- 1) the name, address and telephone number of the attorney;
- 2) the name and address of the party represented; and
- 3) an affirmative statement indicating that the attorney is licensed to practice law in Illinois.

- b) An attorney, licensed to practice law, may withdraw from employment as a representative only upon written notice to the Department stating the reasons for withdrawal and consistent with the Code of Civil Procedure. (Ill. Rev. Stat. 1991, ch. 110, par. 1-101.) [735 ILCS 5/1-101] Such withdrawal shall require an appropriate ruling by the Administrative Law Judge.

- c) A sole proprietor who is authorized as a WIC Retail Vendor or former Vendor, or any person or entity engaged in the activity of a WIC Vendor may appear and be heard on his own behalf.

- d) A corporation or association which is authorized as a WIC Retail Vendor or was authorized as a former Vendor, or any person or entity engaged in the activity of a WIC Vendor shall appear and be heard only by an attorney licensed to practice in the State of Illinois.

- e) A partnership or limited partnership authorized as a WIC Retail Vendor or that was authorized as a former Vendor, or any person or entity engaged in the activity of a WIC Vendor may appear and be heard by any partner, upon presentation to the Department of written authorization

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- f) Special appearances authorizing him to act in a representative capacity. Special appearances are not recognized. The initial appearance regardless of form is deemed a general appearance.

- g) Each party to a proceeding who appears before the Department either in person or by counsel, shall inform the Department in writing or upon the record of the address at which any notice or other document may be served upon him or her in such proceeding. All further service may be made by regular mail unless otherwise required by statute or rule. Service shall be presumed unless disputed in the record.

- h) Attorneys appearing before the Department shall conform their conduct to the Illinois Code of Professional Responsibility, effective December, 1989, and as amended. Any failure to behave in a manner which permits the efficient functioning of the hearing will authorize the Administrative Law Judge to take the following actions:

- 1) limitation of evidence;
- 2) substitution of written argument in place of oral argument; or
- 3) exclusion of an attorney from the proceeding.

(Source: Emergency amendment at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.615 Commencement of an Action (Repealed) EMERGENCY

~~Administrative actions under this Part shall be commenced by--the Director--or designee--signing--and--issuing--a notice of violation--termination--or penalty assessment--or as a result of a request for a hearing--by an Applicant--resulting from--denial--of Authorization--the effective date of any notice of violation termination--or penalty assessment--or any denial of authorization--shall be--not less--than--15 days--from--the date of receipt of such notification.~~

- a) For notice in all actions under this Part, the Department shall serve on all parties to a Contested Case a notice of an opportunity for an administrative hearing. The notice shall be signed by the Director. The notice of an opportunity for an administrative hearing shall contain:

- A) a statement of the nature of the hearing;
- B) a statement of the date and place at which a request for a hearing from the person given the opportunity for a hearing is to be received by the Department and the date set for receipt of the request for a hearing shall be at least fifteen (15) calendar days from the date the notice is mailed or personally served;
- C) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- D) a reference to the applicable sections of the USDA--WIS Regulations, the Act or this Part; and
- E) unless accompanied by a notice of violation a short plain statement of the matters asserted.

- 2) An administrative hearing must be requested within fifteen (15) days

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- calendar-days-of-receipt-
- 3) An Applicant or a WIG Retail Vendor who receives a notice of an opportunity for an administrative hearing must submit a written request for the hearing to the Department. The request is to be sent to the Department at the address stated in the notice and must be postmarked by the date set forth in the notice. Failure to comply with this rule shall constitute a waiver of the person's right to an administrative hearing.
- b) Upon receipt of the request for a hearing within the stated time frame, the Department shall issue a notice of an administrative hearing. The notice of an administrative hearing shall contain:
- 1) a statement of the nature of the hearing;
- 2) a statement of the time and place of the hearing or if a pre-hearing or conference is scheduled by the Department, the time and place of the conference;
- 3) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- 4) a reference to the applicable sections of USDA-WIG Regulations; and
- the Act or this Part.

(Source: Emergency repealer at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.620 Motions (Repealed)

EMERGENCY

- a) Motions, unless made during a hearing or the pre-hearing conference, shall be made in writing and shall be set for the date of the order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of motion. Motions to amend the notice of violation and answers may be allowed in accordance with Section 2-616 of the Code of Civil Procedure (735 ILCS 5/2-616) (Ill. Rev. Stat. 1991 Ch. 180, Par. 2-616) upon proper motion at any time during the pendency of the proceeding. Such motion shall not effect the hearing timeframes set forth in this Part. Motions based on a matter which does not appear of record shall be supported by affidavit.
- b) Written motions shall be titled as to the party making the motion and the nature of the relief sought. Such title shall be in capital letters and shall be placed below the caption or to the right of the caption beneath the docket number. No motion shall be identically titled with any other Motion.
- c) If not raised at the earliest opportunity, motions to the pleadings shall be deemed waived. Motions to the pleadings shall not be granted if the pleadings are in conformity with Section 672.625 of this Part or the information sought is obtainable through discovery.
- d) The Administrative Law Judge shall not have the authority to postpone a hearing or overturn an order of the Department, but may make a recommendation to the Director at any time before the issue of the recommendation is heard. Judge's report that an interim order be issued

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- postponing vacating or overturning the order if circumstances merit such a recommendation:
- e) Motions for a continuance shall be granted only in accordance with Section 3-1007 of the Code of Civil Procedure (Ill. Rev. Stat. 1991 Ch. 110, Par. 2-1007) (735 ILCS 5/2-1007). Motions for continuance shall be in writing and filed at least three (3) calendar days prior to the hearing. Such motions shall state the basis for the request and all steps taken to avoid the necessity of a continuance.
- 1) only one continuance shall be allowed for the Vendor and the Department. No continuance may be for more than fourteen (14) calendar days.
- 2) After one continuance has been granted to a party, an additional continuance may be granted to that party only if there is a bona fide emergency or "Act of God."
- 3) Whenever possible as much of the hearing as possible shall be heard and only those matters that must be continued shall be continued.
- f) All motions, petitions and other pleadings under this Section shall be filed with the Administrative Law Judge with a copy being sent to all other parties.
- (Source: Emergency repealer at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.625 Discovery (Repealed)

EMERGENCY

- a) Prior to or at the pre-hearing conference, the Department shall provide an Applicant or Vendor with a copy of all the Department's investigative reports including any food instruments specific to the matter in dispute and to the Applicant or Vendor against whom the administrative action is pending. If no pre-hearing conference is requested, the Department shall provide copies of the investigative reports and food instruments prior to hearing.
- b) Upon written request served on the opposing party, any party shall be entitled to:
- 1) the name and address of any witness who may be called to testify;
- 2) copies of any document which may be offered as evidence; and
- 3) a description of any other evidence which may be offered.
- c) Whether or not a request is made during discovery, an Applicant or Vendor shall be entitled to any exculpatory evidence in the Department's possession which tends to support the Applicant or the Department's position or which might impeach the credibility of a Department witness.
- d) Upon a written request served on the Applicant or Vendor at any time after a notice or petition for hearing is filed or at any stage of the hearing, the Applicant or Vendor will be required to produce documents, books, records or other evidence which relate directly to conduct of his business. Entity.

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- e) No other discovery shall be requested, allowed, or exchanged unless consented to by all parties to the administrative hearings before the Department;
- f) All discovery shall be completed prior to the start of the hearing unless consented to by all parties to the administrative hearings before the Department.

(Source: Emergency repealer at 18 Ill. Reg. _____, effective August 12, 1994)

Section 672.630 Form of Papers (Repealed)**EMERGENCY**

- a) All papers filed in any proceeding except exhibits shall be typewritten or printed; if typewritten, the impression shall be on one side of the paper and long quotations shall be single spaced and indented; Mimeographed, multigraphed, hectographed, photostated papers, facsimile and the like shall be accepted as typewritten.
- b) All papers except exhibits shall be cut or folded so as not to exceed a width of eight and one half inches (8 1/2") and a length of eleven (11) inches and shall have inside margins not less than one (1) inch wide; Whenever practically all exhibits of a documentary character shall conform to said requirements.
- c) All pleadings, written motions, or notices filed in the administrative proceeding shall be dated and signed in ink by the party filing the paper or his attorney.
- d) Pleadings, written motions, and notices shall contain the address of the party filing the paper or, if represented by an attorney, the name and business address of such attorney.

(Source: Emergency repealer at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.635 Service (Repealed)**EMERGENCY**

- a) Notices under Section 672.615 shall be served either personally or by certified mail upon all parties or their agents appointed to receive service of process.
- b) Service of pleadings or motions under Section 672.615 or Section 672.630 of this Part, unless otherwise provided for in this Section shall be made by delivering in person, transmitting by facsimile or by depositing it in the United States Mail, properly addressed with postage prepaid, one copy to each party to the proceeding. When any party has appeared by attorney, service upon the attorney shall be deemed service upon such party.
- c) Proof of service under subsection (b) shall be by certificate of attorney, affidavit or acknowledgment.

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(Source: Emergency repealed at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.640 Pre-Hearing Conferences (Repealed)**EMERGENCY**

- a) A pre-hearing conference shall be scheduled by the Administrative Law Judge or the Department as a result of a request pursuant to subsection (b); (See Section 672.615(b)). This conference shall be held prior to the date of hearing and shall be for the purpose of considering:
- 1) the simplification of the issues;
 - 2) amendments to the pleadings;
 - 3) the possibility of obtaining admissions of fact and of documents which shall avoid unnecessary proof;
 - 4) the limitation of the number of expert witnesses; and
 - 5) any other matters which may aid in the disposition of the hearing.
- b) After a pre-hearing conference, the Administrative Law Judge shall make a report which recites any action taken by the Administrative Law Judge and any agreements made by the parties as to any of the matters considered and which specifies as the issues for hearing those not disposed of at the conference.
- c) A certified stenographic reporter shall not be present at a pre-hearing conference unless one of the parties to the proceeding requests the Department to make arrangements for a court reporter to be present. Such request must be received by the Department at least two (2) working days in advance of the scheduled pre-hearing conference. The party requesting the presence of the court reporter shall be billed directly for the services of the reporter.

(Source: Emergency repealer at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.645 Conduct of Hearings (Repealed)**EMERGENCY**

- a) All hearings conducted in any proceedings shall be open to the public.
- b) Hearings shall be conducted by the Director or by a Administrative Law Judge appointed by the Director. If the Director conducts the hearing, any reference to this Part to the Administrative Law Judge shall be read to refer to the Director.
- c) The Administrative Law Judge shall conduct hearings administered oaths, issue subpoenas, regulate the course of hearings, hold informal conferences for the settlement, stipulation or definition of issues, dispose of procedural requests, motions and similar matters, continue the hearing from time to time when necessary, examine witnesses, rule upon the admissibility of evidence and amendments to pleadings, issue recommended findings to the Director.

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- 1) The Administrative Law Judge shall direct all parties to enter their appearances on the record.
- 2) The Administrative Law Judge shall be appointed by the Director and shall be an attorney licensed to practice law in the State of Illinois.
- 3) Written opening arguments--written closing arguments--final memorandums--trial notes--or similar documents shall not be permitted unless all parties so stipulate. This rule shall not prohibit the Administrative Law Judge from requesting that certain issues be briefed by the parties.
- 4) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. Unless precluded by law, disposition may be made of any contested case by stipulation, agreed settlement, consent, order or default.
- 5) At any stage of the hearing or after all parties have completed the presentation of their evidence, the Department of the Administrative Law Judge may call upon any party, technical staff of the Department or other departments of state government or state universities for further materials or relevant evidence upon any issue.
- 6) The rules of evidence and privileges as applied in civil cases in the circuit court of this State shall be followed. However, evidence not admissible under such rules of evidence may be admitted except where precluded by statute. It is of a type commonly relied upon by reasonable prudent persons in the conduct of their affairs. Immaterial, irrelevant or unduly repetitious material shall be excluded. If admissible evidence shall be considered in accordance with the relevant probative value in formulating the final decision of the Director and also in formulating the findings of fact and conclusions of law which support the decision. A copy of the whole or any part of an admission book, record, paper or memorandum of the Department which is made by photostatic or other method of accurate reproduction may be admitted in evidence at the hearing without further proof of the accuracy of such copy. When any material or relevant material offered in evidence by any party is embraced in a book, paper or document containing other material not material or relevant, the party offering the same shall identify designated material as offered. In any hearing conducted pursuant to this Part, the Administrative Law Judge shall admit a photograph of any money or other property offered to have been exchanged for a high bond instrument as competent evidence of the money or other property if it is a photograph of the instrument or of the money or other property. Property is unseizable. Objections to evidentiary issues may be made and shall be noted on the record.
- 7) Official notice may be taken of matters of which official notice of this State may be taken. In addition, official notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified either before or during the hearing or by reference to preliminary

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- 8) reports or otherwise or the material noticed, including any staff memoranda or data and shall be afforded an opportunity to contest the material so noticed. The Department's expertise in technical competence and specialized knowledge may be utilized in the evaluation of evidence.
- 9) The Department will arrange for a certified stenographic reporter to make a stenographic record of the hearings in all administrative hearings under this Part. Any person may make arrangements to obtain a copy of the stenographic record from the reporter. The Department reserves the right to employ a certified stenographic reporter. A copy of any stenographic record made by a Department employee may be purchased from the Department at a cost of one dollar (1) per page. Suggested corrections to the transcript of a record may be offered within five (5) calendar days after the transcript is filed in the proceedings. Unless the Director or the Administrative Law Judge permits suggested corrections to be offered thereafter, suggested corrections shall be served upon or brought to the attention of such party whose appearance is of record or his attorney. The official reporter or the Administrative Law Judge, if suggested corrections are not objected to by the Administrative Law Judge, shall direct the corrections to be made and the manner of making them. In case the parties disagree on suggested corrections, they may be heard by the Administrative Law Judge who shall then determine the manner in which the record shall be changed if at all.
- 10) No exception need be taken to any ruling or action of the Department or of its Administrative Law Judge.
- 11) Venue shall be the location designated in the notice of administrative hearing or notice of an opportunity for an administrative hearing. Venue may be moved to another location only upon stipulation by all parties or ordered by the Administrative Law Judge.
- 12) If a party or any person at the instance of or in collusion with a party violates any of this Part or ruling of the Administrative Law Judge, the Administrative Law Judge, on motion, may enter such orders as are just including, among others, the following:
- 1) that further proceedings be stayed until the order or rule is complied with;
- 2) that the party in violation be barred from filing any other pleading relating to or any issue to which the refusal or failure relates;
- 3) that the party be barred from maintaining any particular claim or defense relating to that issue;
- 4) that a witness be barred from testifying concerning that issue;
- 5) that a party or any person be defined as a party in any pleading or which that issue is material to a judgment by default or entered against the offending party or that a party's notice of petition shall be dismissed with or without prejudice or
- 6) that any portion of his pleading relating to that issue be stricken and judgment be entered as to that issue.

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(Source: Emergency repealer at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.650 Subpoenas [Repealed]
EMERGENCY

- a) Subpoenas requiring the attendance and the giving of testimony by witnesses and subpoenas duces tecum requiring the production of books, papers, records or memoranda may be issued by the Director or the Administrative Law Judge upon his own motion or upon the written request of any party to the proceeding. The Director or the Administrative Law Judge may require the party requesting the issuance of subpoenas to demonstrate the relevancy of the request to the issues in the hearing.
- b) Subpoenas issued by the Director or the Administrative Law Judge upon the request of a party to the proceeding shall be delivered to the requesting party who shall be responsible for serving the subpoenas. Subpoenas shall be served personally transmitted by facsimile or by Certified Mail.
- c) The witness fee for attendance and travel shall be the same as the fee of the witnesses before the Circuit Courts of this State. When a witness is subpoenaed by the Director or Administrative Law Judge upon his own motion or upon the request of the Department, the witness fee shall be the same as the fee of the witnesses before the Circuit Courts of the State and the travel expenses shall be paid in accordance with the State travel rules (80 Ill. Adm. Code 3000).

(Source: Emergency repealer at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.655 Burden of Proof [Repealed]
EMERGENCY

- a) The burden of proof rests with the Department in relation to all administrative actions initiated by the Department pursuant to Section 672.510.
- b) The burden of proof rests with the Applicant as to all administrative actions initiated upon a petition for hearing filed by an Applicant after the denial of authorization under Section 672.225.
- c) Each party who initiates an administrative action as indicated in Section 672.615(a) and (b) shall prove his case by a preponderance of the evidence.

(Source: Emergency repealer at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.660 Administrative Law Judge's Report and Final Decision [Repealed]
EMERGENCY

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- a) At the conclusion of a hearing at which the Director has not presided, the Administrative Law Judge shall make a report of the hearing. With findings of fact and conclusions of law and recommendations, if any, to the Director, this report shall be accompanied by a transcript of the record, all exhibits admitted into evidence, copies of all pleadings and documents or evidence made a part of the record and any other material which is deemed to be a part of the record.
- b) The Director or designee shall review the entire record of administrative proceedings as set forth in Section 672.670 and shall issue a final order within ninety (90) calendar days of the receipt of the request for a hearing.
- c) The Director shall adopt a final decision in each case supported by concise findings of fact and appropriate conclusions of law. The decision and supporting findings of fact and conclusions of law shall be made a part of the official record of each hearing. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the finding.
- d) A copy of any decision or order of the Director shall be served personally or by Certified Mail or by registered mail upon all parties of record or their agents appointed to receive service.

(Source: Emergency repealer at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.665 Records of Proceedings [Repealed]
EMERGENCY

- a) A full and complete record shall be kept of all proceedings. The record shall consist of the following:
- 1) all pleadings (including all notices and responses thereto); motions and rulings;
 - 2) a transcript of the hearing if any and all evidence received;
 - 3) a statement of matters officially noticed;
 - 4) offers of proof, objections and ruling thereon;
 - 5) proposed findings and exceptions;
 - 6) any decision, opinion or report by the Administrative Law Judge;
 - 7) all staff memoranda or data submitted to the Administrative Law Judge or members of the Department in connection with their consideration of the case; and
 - 8) any communication prohibited by Section 15 of the IPA, however, such communications shall not form the basis for any finding of fact.
- b) Unless a party requests that the following documents be included in the record, the following shall be excluded from the record:
- 1) subpoenas;
 - 2) requests for subpoenas;
 - 3) cover letters;
 - 4) notices of filing or proofs of service; and

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5) ~~certificates-of-mating-for-regular-marriage~~

(Source: Emergency repealer at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

Section 672.670 Miscellaneous (Repealed)
EMERGENCY

- a) ~~Construction--of-Rules--This-Part-shall-not-be-construed-to-abrogate or modify or limit any rights, privileges, or immunities granted or protected by the Constitution or laws of the United States or the Constitution or laws of the State of Illinois. In case of any conflict between this Part and the IAPA or the HIC Vendor Management Act, the terms of the latter shall control. In case of any conflict between this Part and Article II of the Code of Civil Procedure or the Supreme Court practice rules, the terms of this Part shall control.~~
- b) ~~Waiver--Compliance--with--any--of-the-provisions-of-Subpart F-of-this Part or with any or all provisions of the IAPA--regarding--Contested Cases--may-be-waived-by-written-stipulation-of-all-parties.~~
- c) ~~Jurisdiction--For--the-purpose-of-this-Part--a-pre-hearing-conference shall-be-considered-the-first-stage-of-a-hearing.~~

(Source: Emergency repealer at 18 Ill. Reg. _____, effective August 12, 1994, for a maximum of 150 days)

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NOTICE OF MODIFICATION AND REFUSAL TO MODIFY OR WITHDRAW TO MEET THE
OBJECTIONS OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Postsurgical Recovery Care Center Demonstration Program Code
- 2) Code Citation: 77 Ill. Adm. Code 210
- 3) Section Numbers: 210.1800(a)(2)(B) Action: Refusal to Modify
210.1800(a)(2)(D) Modification
210.1800(a)(2)(H) Modification
210.2900 Modification
- 4) Date Notice of Proposed Rules Published in the Register:
December 31, 1993 17 Ill. Reg. 22333
(issue date)
- 5) Date JCAR Statement of Objection Published in the Register:
July 1, 1994 18 Ill. Reg. 10501
(issue date)
- 6) Summary of Action Taken by the Agency:

Section 210.1800(a)(2)(B): The Department refuses to modify the proposed rule in response to the Joint Committee's objection.

The Department believes that the Alternative Health Care Delivery Act does provide authority for limiting admissions to postsurgical recovery care models. Section 36 of that Act states, "The Department shall establish by rule criteria for patient transfers to postsurgical recovery care models." It is not the Department's intent to arbitrarily limit patient admissions but to explore the usefulness of this model in the overall scheme of Illinois' health care delivery choices with the least amount of risk to its citizens. The proposed rule Section 210.1800(a)(2)(B) will not be modified.

Section 210.1800(a)(2)(D): The Department will modify the proposed rule by making the following revisions:

Section 210.1800(a)(2)(D) is revised to read, "patients must fall within anesthesia class I or II, or fall within anesthesia class III with only mild to moderate systemic disease but medically stable;"

A new Section 210.1800(a)(2)(E) is added, which reads, "patients must require a postoperative overnight stay;"

The subsequent subsections shall be relettered, accordingly.

Section 210.1800(a)(2)(H): The Department will modify the proposed rule

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OBJECTIONS OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

by deleting the phrase "or blood products" from Section 210.1800(a)(2)(H).

Section 210.2900: The Department will modify the proposed rule by making the following revisions:

Section 210.2900(a) will be redesignated Section 210.2900(a)(1). A new Section 210.2900(a) reads, "If part of a hospital:"

Section 210.2900(b) will be redesignated Section 210.2900(a)(2):

A new Section 210.2900(b) will be added to read:

"(b) If not part of a licensed hospital, postsurgical recovery care center models shall meet the program narrative and comply with:

- 1) Chapters 1-7, 12, 31 and 32 of the 1991 Edition (no later amendments or editions included) of the National Fire Protection Association (NFPA), Code for Safety to Life from Fire in Buildings and Structures (also known as "The Life Safety Code") (which may be obtained from the National Fire Protection Association, Batterymarch Park, Massachusetts 02269); and

- 2) The following Sections of the Hospital Licensing Requirements: 250.2410, 250.2420, 250.2430, 250.2440(d)(1)-(4), 250.2450, 250.2460, 250.2470(a), (b), and (c)(1), (2), and (4), 250.2480, 250.2490(a)-(h), (j) and (k), and 250.2500."

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NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: The Illinois Library System Act

- 2) Code Citation: 23 Ill. Adm. Code 3030

- 3) Section Numbers:
303.10; 3030.105

- 4) Date Proposal published in Illinois Register:

6/25/93, 17 Ill. Reg. 9678 (Sections 3030.10, 3030.105)
7/30/93, 17 Ill. Reg. 12277 (Section 3030.105)
11/5/93, 17 Ill. Reg. 19072 (Sections 3030.10; 3030.105)

- 5) Date Adoption published in Illinois Register:

11/23/93, 17 Ill. Reg. 21187 (Sections 3030.10; 3030.105)
12/14/93, 17 Ill. Reg. 22048 (Section 3030.105)
5/3/94, 18 Ill. Reg. 7452 (Sections 3030.10; 3030.105)

- 6) Summary and Purpose of Expedited Correction: The State Library adopted rules on 11/23/93, 12/14/93 and 5/3/94. When the Library filed the third of these rulemakings, it filed text, furnished by JCPR, that failed to embrace the earlier 2 rulemakings. The necessary paperwork for an expedited correction has been prepared for restoration of the text previously adopted in the Administrative Code or published in the Illinois Register.

- 7) Information and questions regarding this request shall be directed to:

Name: Kathleen Bloomberg
Address: Illinois State Library
Secretary of State
300 S. Second
Springfield, Illinois 62701
Telephone: 785-0052

NOTICE OF EXPEDITED CORRECTION

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE B: CULTURAL RESOURCES

CHAPTER I: SECRETARY OF STATE

PART 3030

THE ILLINOIS LIBRARY SYSTEM ACT

Section	Definitions
3030.10	Forms
3030.15	Administration of the Act: Hearings
3030.20	Establishment of Systems
3030.25	Geographic Boundaries
3030.30	Membership in a Library System
3030.35	Contracting Libraries
3030.40	Accessing Resources and Services (Repealed)
3030.45	Service Standards
3030.50	Service to State Institutions (Repealed)
3030.55	Services to the Physically Disabled (Repealed)
3030.60	Plan of Service for a Cooperative or Multitype Library System
3030.65	Plan of Service for a Public Library System (Repealed)
3030.70	Conversion of a Cooperative Public Library System or a Public Library System to a Multitype Library System
3030.75	Liquidation
3030.80	Merger
3030.85	Finances and Records
3030.90	Governing Board
3030.95	Rules
3030.100	State Grants
3030.105	Revocation of Approval
3030.110	Suspension of a Library from Membership
3030.115	Transfer of Membership
3030.120	Administrative Review of State Librarian's Decision in Contested Cases
3030.121	Notice of Hearing
3030.122	Conduct of Hearing
3030.123	Motions
3030.124	Order of the Hearing
3030.125	Authority of Administrative Law Judge
3030.126	Record of the Hearing
3030.127	Rules of Evidence; Official Notice
3030.128	Decisions and Orders
3030.129	Annual System Reports
3030.130	Withdrawal of Membership
3030.135	

AUTHORITY: Implementing and authorized by the Illinois Library System Act [75 ILCS 10].

SOURCE: Rules and Regulations for Library Systems and State Aid November 8,

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1965; rules repealed, new rules adopted and codified at 8 Ill. Reg. 16914, effective September 4, 1984; amended at 13 Ill. Reg. 1244, effective January 15, 1989; amended at 14 Ill. Reg. 20666, effective December 1, 1990; amended at 16 Ill. Reg. 10329, effective June 12, 1992; emergency amendment at 17 Ill. Reg. 9725, effective June 11, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 12449, effective July 15, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 21187, effective November 23, 1993; amended at 17 Ill. Reg. 22048, effective December 14, 1993; amended at 18 Ill. Reg. 7452, effective May 3, 1994; expedited correction at 18 Ill. Reg. _____, effective May 3, 1994.

Section 3030.10 Definitions

"Academic Library": The library or libraries of an institution of education beyond the secondary level.

"The Act": The Illinois Library System Act. (Ill. Rev. Stat. 1991, ch. 81, pars. 111 et seq.) [75 ILCS 10]

"Constituent": An individual who is legally eligible to borrow materials from a specific library by virtue of his relationship to the library or its parent institution.

"Contracting Library": A library or libraries with which a library system board contracts to provide system members with services.

"Developmental member library": A library which meets the definition of "Library" in this Part and the requirements of developmental membership cited in Section 3030.35(a) of this Part.

"Encumbrance": An obligation arising from the issuance of purchase orders and/or contracts chargeable to system budget allocations.

"Full Member Library": A library which meets the criteria for library system membership as defined by the library system board, subject to approval by the State Librarian.

"Governing Authority": The body or individual which has the legal authority to enter into legal contracts on behalf of the institution desiring to become a member or affiliate of a library system.

"Library": Unless otherwise defined as a public library by statute, an entity which serves the basic information and library needs of its constituents through a bibliographically organized collection of library materials and has at least one employee who works at least fifteen hours per week as the librarian. The collection must have permanent financial support, be accessible centrally, and occupy identifiable quarters in one principal location. These requirements can be met through contractual services provided by another library.

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"Library Interests": The characteristics of member libraries of systems, and the communities and constituents they serve, which affect representation on system boards. Such interests include, but are not limited to, types of libraries, and size and geographic distribution of communities served.

"Long Range Plan": The component of the system plan of service which details the program for system headquarter's operations and for the development of the library system over a three to five year period of time and which states the assessed needs of libraries the system will meet and which sets forth the programs, goals, objectives, and strategies designed to meet those needs.

"Management letter": A letter from an auditor accompanying a financial audit which discusses the library's accounting practices, internal controls and operating procedures.

"Non-resident": A person who resides outside the taxing area of a public library.

"Plan of Service": The system plan of service describes the specific purposes for which the system is formed, and the means by which such purposes are to be accomplished (Section 4 of the Act). The system plan shows how the library system will achieve the objectives and standards of the Illinois Library System Act and this Part.

"Public Library": A tax-supported public library established by or as a governmental unit which either is authorized to levy a tax for library purposes, or which supports the library at least in part from local tax revenues other than federal revenue sharing. Such a library is established by a city, village, incorporated town, township, county or library district under the Illinois Local Library Act (Ill. Rev. Stat. 1991, ch. 81, pars. 1-0.1 et seq.) [75 ILCS 5], the Village Library Act (Ill. Rev. Stat. 1991, ch. 81, pars. 16 b.9 et seq.) [75 ILCS 40], Division 5-38 of the Counties Code, Public County Library Service (Ill. Rev. Stat. 1991, ch. 34, pars. 5-38001 et seq.) [55 ILCS 5/Div. 5-38], the Village Library Conversion Act (Ill. Rev. Stat. 1991, ch. 81, par. 27.31h et seq.) [75 ILCS 45], the Library Property Sale Act (Ill. Rev. Stat. 1991, ch. 81, pars. 27.99 et seq.) [75 ILCS 55], and the Illinois Public Library District Act of 1991 (411--Rev-Stat--1991--ch--81--pars--1681-i-et-seq-) [75 ILCS 15 16]. This definition excludes free public libraries established by villages but not supported at least in part from local tax revenues, and incorporated free public libraries not established by a governmental unit.

"Reciprocal Access": The means by which the library resources of all member libraries of a full member library system are made available to all constituents within the system area. These means may include some

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necessary and reasonable restrictions, approved by a library system board, as, for example, by information passports, interlibrary loans, photocopy service, reference service, use on site and courtesy cards.

"Reciprocal Borrowing": The right of a person holding a valid library registration card from a full member public library or a library system, to borrow on site from all the other public libraries which are full members of the library system without using interlibrary loan mechanisms.

"School Library": The library or libraries of an elementary and/or secondary school district, or private elementary and/or secondary schools under a single governing authority.

"Should": Recommended, not mandatory action.

"Special Library": The library of, or under, the governing authority of any body or institution not defined elsewhere in this Part.

"State Institutions": Penal institutions, reformatories, residential training schools, orphanages, hospitals, residential schools for the physically handicapped operated or substantially supported by the State of Illinois.

"State Librarian": The Secretary of State of Illinois.

"System Administrative Headquarters": The system administrative headquarters refers to the facility which is identified by the system as its administrative headquarters.

"System Service Area": The system service area refers to the land area within the geographic boundaries of a library system.

(Source: Expedited correction at 18 Ill. Reg. _____, effective May 3, 1994)

Section 3030.105 State Grants

a) Application for Annual Per Capita and Area Grants to the library systems shall be made to the State Librarian on or before May 1 of each year and shall consist of the following:

- 1) An annually updated plan of service. The plan of service shall clearly indicate how the proposed expenditure of state funds in the ensuing fiscal year will be utilized for the provision of member services within the goals for Illinois Library systems.
- 2) The estimated system budget for the ensuing fiscal year based on current year funding with a contingency plan for anticipated funding for the ensuing year.

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NOTICE OF EXPEDITED CORRECTION

b) Library technology grants

- 1) Application for library system grants for the provision of services to member libraries and for technology developments (Section 8(c) of the Act) shall be made according to an annual deadline and criteria established by the State Librarian. Applicants shall use the forms prepared and made available by the Secretary of State for this purpose. Applications not submitted on time or on the required forms shall not be considered by the State Librarian.

- 2) Applications shall be reviewed by the State Library staff and the decision of the State Librarian is final.

- 3) The number of grants to be awarded is at the discretion of the State Librarian within the confines of available funding.

- 4) Applicants must meet requirements, if any, designated by the State Library for toll-free voice and data telecommunications.

- c) Application for Annual Grants to no more than six Systems Providing Administrative and Support Services to Libraries and Radio Information Services Serving Physically Disabled Individuals shall be made to the State Librarian on or before March 15 of each year and shall consist of a budget and a description of services to be offered. The State Librarian shall be notified in advance of any proposed change in their budget.

- d) To be eligible for a per capita grant, a public library shall show that it will either meet or show progress toward meeting the Illinois Library Standards, as most recently adopted by the Illinois Library Association, by raising or improving its performance levels in relation to the standards, when such levels are below the standards, according to objectives, time frames, and priorities which the library shall state in its application for a grant, and which it shall also state are consistent with the terms of the plan of service of the system of which it is a member. (Section 8.1(1) of the Act).

- e) Application for annual equalization grants and per capita grants to public libraries shall be made prior to on or before October 15 of each year. (Section 8 of the Act) The application deadline may be extended at the discretion of the State Librarian for public libraries subjected to Acts of God or natural disasters including but not limited to flooding for libraries located in counties which have been legally declared State and/or federal disaster areas. Those affected libraries may receive the extension by writing to the State Librarian setting forth the basis for said extension request by August 15 of the same calendar year. The State Librarian shall grant the extensions for affected libraries, but in no event shall the deadline be extended beyond September 1.

- f) For a public library to qualify for a per capita grant, it must be a member of a library system and not under suspension. The application shall show that grant funds will be used to meet or make progress in meeting Illinois library standards cited in Subsection (d) above. Any change in the use of funds from that stated in the approved application shall have prior approval of the State Librarian.

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Failure to spend funds in accord with Section 8.1 of the Act shall result in ineligibility for future grants for a period of one year.

- g) Libraries that qualify for the ILLINOIS MAJOR URBAN LIBRARY PROGRAM shall submit an application to the State Librarian, subject to his final approval, for use of the funds by July 15 of each year. The application shall consist of the public library per capita grant ~~applications~~ application cited in Section 3030.105(e) of this Part.

- h) Research and reference center funding shall be allocated by the State Librarian for the purposes of making available adequate library resources and services. Grants shall be awarded for statewide resource sharing projects and for improving services of large libraries with special collections which benefit citizens throughout the state. Grants will be awarded at the discretion of the State Librarian each fiscal year as funding allows.

- i) The Research and Reference contracts will specify by inclusion:

- 1) The terms for apportionment of the grant funding, and
- 2) Services to be performed.

- j) To qualify for an Annual Grant to the Illinois Regional Library for the Blind and Physically Handicapped, the applicant agent shall be jointly designated by the Illinois State Library and the Library of Congress National Library Service for the Blind and Physically Handicapped for such purpose. An annual contract with the State Library shall be executed which specifies the objectives and budget for the service.

- k) School District Library Grant Program

- 1) Pursuant to Section 8.4 of the Illinois Library System Act (Ill. Rev. Stat. 1991, ch. 81, par. 118.4) [75 ILCS 10/8.4] there is established by these rules the application procedures for school district library grants.

- 2) The application for annual school grants shall be made between October 1 and prior to December 1 of each year starting in 1990. It shall be signed by the superintendent of schools for the school district. It shall be submitted to the Illinois State Library. It shall consist of:

- A) A description and verification of the school board's review, as effected in the minutes of a school board meeting, of the school library standards as provided for in 75 ILCS 10/8.4(4);

- B) A report on the use of the previous year's grant, if a grant was received, which shall show how said grant was used; and an evaluation detailing the effect of the program in overall district-wide school library media program improvement and progress towards or compliance with school library media standards;

- C) A statement on the proposed use of the grant for which application is being made which shall show how grant funds will be used to further the purposes in the Act. The grants may not be used for construction of a new library;

- D) The following specific information:

SECRETARY OF STATE

NOTICE OF EXPEDITED CORRECTION

- i) The official name and complete address of the school district;
 - ii) the name of the library system of which the district is a member or to which it has applied for membership;
 - iii) the name or names and type of attendance unit in which the library or libraries are located;
 - iv) the number of students served by the library or libraries;
 - v) the name of the librarian;
 - vi) the number of hours per week the library is open;
 - vii) the number of hours per week the librarian is available in the library as the librarian and percentage such hours are of the librarian's total hours worked;
 - viii) the dates of the library's fiscal year, the Illinois legislative district(s) in the library's taxing area; and
 - ix) the library's **federal-employers-identification-number** Federal Employers Identification Number (FEIN);
- E) A statement from the superintendent certifying that the financial support for the library meets the requirements as stated in the Act;
- F) Evidence that the fiscal year's grant funds, if received, were encumbered prior to June 30 of that fiscal year and expended prior to September 1 of the calendar year in which the fiscal ended;
- G) Certification by the director of the library system that the school district is a member of the library system. If the school district is not a member of the library system, the system shall provide a statement that the district has applied for system membership; and
- H) Subsequent to approval of an application by the Illinois State Library, the Illinois State Board of Education will acknowledge receipt of evidence that the requirements of Section 8.4(4) and 8.4(5) of the Act have been met.
- 3) Upon receipt of the application and review of it by the Illinois State Library staff, it will be approved for funding within 90 days after submission of the application if the criteria are met, as set forth in this Section and Section 8.4 of the Illinois Library System Act, and the application was completed fully and with accurate information.

(Source: Expedited correction at 18 Ill. Reg. _____, effective May 3, 1994)

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PUBLIC INFORMATION

NOTICE OF ACCEPTANCE OF AN APPLICATION
FIRST OF AMERICA BANK CORPORATION, KALAMAZOO, MICHIGAN
TO ACQUIRE FIRST PARK RIDGE CORPORATION, CHICAGO, ILLINOIS

Pursuant to Section 3-071(d) of the Illinois Bank Holding Company Act of 1957, 205 ILCS 10/3-071(d) (1992), notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by First of America Bank Corporation, 211 South Rose Street, Kalamazoo, Michigan, 49007, to acquire First Park Ridge Corporation, 205 North Michigan Avenue, Suite 3800, Chicago, Illinois, 60601.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to:

Dina A. Mansour
Commissioner of Banks and Trust Companies
310 South Michigan Ave.
Suite 2130
Chicago, Illinois 60604

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 9, 1994 through August 15, 1994, and have been scheduled for review by the Committee at its September 13, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
9/23/94	Department of Mental Health and Developmental Disabilities, Services Charges (59 Ill Adm Code 106)	5/20/94 18 Ill Reg 7583	9/13/94
9/25/94	Illinois Housing Development Authority, Homeowner Mortgage Revenue Bond Program (47 Ill Adm Code 260)	6/3/94 18 Ill Reg 8293	9/13/94
9/25/94	Department of Agriculture, Meat and Poultry Inspection Act (8 Ill Adm Code 125)	6/24/94 18 Ill Reg 9027	9/13/94
9/25/94	Department of Agriculture, Humane Slaughter of Livestock (8 Ill Adm Code 50)	6/24/94 18 Ill Reg 9011	9/13/94
9/25/94	Pollution Control Board, Permits and General Provisions (35 Ill Adm Code 201) (Docket R94-12)	5/20/94 18 Ill Reg 7636	9/13/94

PROCLAMATIONS

94-383
GANG AWARENESS WEEK
(Revised)

Whereas, Communities Dare To Care is an organization with goals to raise the consciousness of every citizen and to educate them about the problems of gangs, drugs, and violence in cities and states nationwide, and

Whereas, Communities Dare To Care is currently focusing on three projects--Kids Dare To Care, Parents Dare To Care, and Peace In The Streets; and

Whereas, Project Kids Dare To Care, chaired by Aurelia Pucinski, Clerk of Cook County, is committed to heighten awareness of the dangers of gangs, drugs, and violence in the schools of the metropolitan Chicago area; and

Whereas, Project Parents Dare To Care, chaired by Senator Arthur Berman, will include seminars, presentations, and workshops on the dangers of gangs, drugs, and violence for parents and community residents, and will encourage the cooperation of social service organizations, government agencies, and other groups; and

Whereas, Project Peace In The Streets is chaired by parents who have lost children due to street violence and will be the culminating event of Gang Awareness Week; and

Whereas, Communities Dare To Care wants to emphasize to parents, schools, churches, businesses, organizations, and community residents the importance of their involvement in regaining the leadership and control of their streets, their communities, and their children;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 12-18, 1994, as GANG AWARENESS WEEK in Illinois.

Issued by the Governor August 5, 1994.

Filed with the Secretary of State August 12, 1994.

94-405

ECONOMIC OPPORTUNITY ACTION WEEK

Whereas, President Lyndon Baines Johnson signed into law the Economic Opportunity Act on August 20, 1964; and

Whereas, Title II of the Economic Opportunity Act as amended, provides for the establishment of community action agencies (CAAs) and community action programs (CAPs) to provide stimulation and incentives for urban and rural communities to mobilize their resources to combat poverty; and

Whereas, the basic purpose of Title II, as amended, is to stimulate a better focus for all available local, state, private, and federal resources with the goal of enabling low-income families and low-income individuals of all ages in rural and urban areas to attain skills, knowledge, and motivation and to secure the opportunities needed for them to become self-sufficient; and

Whereas, Community Action Agencies and programs are focused on the needs of low-income individuals and families and are developed, conducted, and administered by public and private nonprofit agencies, with maximum feasible participation of residents of the areas and members of the groups served; and

Whereas, the Economic Opportunity Act creates other significant programs to assist all Americans with a chance or opportunity to live in decency and dignity, including programs such as Project Head Start, a work study program

for underprivileged college students, Rural Work Program for low-income rural families, and a program to assist migrant workers; and
Whereas, the Illinois Community Action Association and its 43 member agencies are celebrating the 30th anniversary of the signing of the Economic Opportunity Act and reaffirming the commitment to serve the less fortunate of the State of Illinois.

Issued by the Governor August 5, 1994.

Filed with the Secretary of State August 12, 1994.

94-406

INDIA INDEPENDENCE DAY

Whereas, Asian Indian Americans have proudly preserved their ethnic identity, Indian history and heritage toward the enrichment of our cultural heritage; and

Whereas, the Asian Indian American community has helped build the diversity and prosperity of our state through its commitment to excellence, hard work and social responsibility as productive and law-abiding citizens; and
Whereas, Asian Indian Americans have put forth sincere effort to foster a community that is an integral part of the unique mosaic of American society; and

Whereas, August 15, 1994, marks the 48th anniversary of India Independence Day, and to commemorate the anniversary, the Asian Indian American community will celebrate with a parade and receptions in honor of community contributions and accomplishments;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 15, 1994, as INDIA INDEPENDENCE DAY in Illinois.

Issued by the Governor August 5, 1994.

Filed with the Secretary of State August 12, 1994.

94-407

LEXIA B. YOUNG DAY

Whereas, Lexia B. Young, has been Superintendent of Sunday Schools at Woodlawn A.M.E. Church for more than 20 years and has served as Assistant Superintendent of Sunday Schools from 1947 to 1974; and

Whereas, Lexia B. Young has been Director of the Aeolian Chorale at Woodlawn A.M.E. Church for the past four years; and

Whereas, Lexia B. Young received the Distinguished Service Award, Christian Debutante-Master Dedication Commission, African Methodist Episcopal Church and was inducted into the Senior Citizens Hall of Fame, City of Chicago, in 1990; and

Whereas, Lexia B. Young has written numerous plays, skits, songs, and poetry and has written a weekly column for the Chatham Citizen newspaper. Throughout her career she has taught, advised, and supported all generations; and

Whereas, Lexia B. Young has worked with the Builders Aid Society of Woodlawn A.M.E. Church, the Chicago Music Association, the National Association of Negro Musicians, National Association of Female Executives, and Association of University Women and is furthering her education by taking classes at Chicago State University;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 21, 1994, as LEXIA B. YOUNG DAY in Illinois.

Issued by the Governor August 5, 1994.

Filed with the Secretary of State August 12, 1994.

94-408

TEMPORARY HELP WEEK

Whereas, the temporary help industry is a major contributor to a strong U.S. economy; and
Whereas, the temporary help industry provides millions of people with diversified, flexible employment and job training; and
Whereas, the temporary help industry provided more than 1.6 million jobs daily in 1993; and

Whereas, the temporary help industry was responsible for a payroll that was approximately \$20 billion in 1993; and

Whereas, temporary help companies provide our state's businesses with efficient, qualified people to solve temporary staff shortages; and

Whereas, this immediacy in solving staff shortages is so important that nine out of 10 companies, ranging from small local businesses to major corporations, use temporary help services for their additional staffing needs; and

Whereas, the temporary help industry provides tens of thousands of full-time jobs by acting as a bridge to those jobs;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 2-8, 1994, as TEMPORARY HELP WEEK in Illinois.

Issued by the Governor August 5, 1994.

Filed with the Secretary of State August 12, 1994.

94-409

TRIMS DAY

Whereas, a group of concerned students and teachers from the Kankakee area recently formed a group, Operation Safe Field, to discuss the tragedies that have occurred due to tall corn obstructing a driver's vision at unmarked railroad crossing and intersections in rural areas and to find a solution to that problem; and

Whereas, the group found a simple solution -- working together to encourage farmers to cut the corn back at blind intersections, which would result in fewer accidents and deaths; and

Whereas, the group changed its name to TRIMS, an acronym for Trimming Rural Intersections Makes Sense, and is seeking the cooperation of the farming community, law enforcement, schools, concerned citizens, and civic, corporate, and community groups in combating this important public safety issue; and

Whereas, it was decided to set the third week in August as the time for voluntary corn topping;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 20, 1994, as TRIMS DAY in Illinois, and I urge our citizens to support and participate in trimming rural intersections to provide unobscured vision for drivers.

Issued by the Governor August 5, 1994.

Filed with the Secretary of State August 12, 1994.

94-410

COPS AND KIDS DAY

Whereas, the future of all young Americans is critical to the viability of this state and to all citizens of our nation; and
 Whereas, since 1990, the Lexington Police Department has gone above and beyond its normal duties of law enforcement to establish a Cops and Kids Program; and

Whereas, the Cops and Kids Program is created to promote, enhance, and encourage the positive relationship between local police and local youth; and
 Whereas, the Cops and Kids Program was founded by Chief Spencer Johansen and is supported not only by local police, but also by many volunteers;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 13, 1994, as COPS AND KIDS DAY in Illinois.

Issued by the Governor August 9, 1994.

Filed with the Secretary of State August 12, 1994.

94-411

DENTAL HYGIENE MONTH

Whereas, in the practice of dentistry, the dental hygienist is an essential member of today's dental team and provides the knowledge necessary for proper oral hygiene care. The dental hygienist is a college-educated, licensed professional who is skilled in performing a complete oral prophylaxis and educating the patients regarding the state of their oral health; and

Whereas, the prophylactic and educational services of the dental hygienist are essential in the dental office, as well as in public health facilities, institutions, private organizations, and research facilities, to provide for the best possible oral health care of the consumer; and

Whereas, more than 1,000 registered dental hygienists are members of the 12 local components of the Illinois Dental Hygienists' Association. Through the association, the hygienists work to improve the dental health of residents of this state and further their own education and professionalism in serving the public;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1994 as DENTAL HYGIENE MONTH in Illinois and urge citizens to become familiar with and appreciate the practice of dental hygiene.

Issued by the Governor August 10, 1994.

Filed with the Secretary of State August 12, 1994.

94-412

DRUG FREE YOUTH DAYS

Whereas, the Illinois Drug Education Alliance (IDEA) is presenting its 12th annual drug prevention conference, "Join the Drug Free Round-Up", on Sunday, November 20 and Monday, November 21 in Peoria; and

Whereas, the Illinois Drug Education Alliance believes prevention offers individuals and communities an opportunity to stop alcohol, tobacco, and other drug problems before they start and provides hope for effecting individual and community change to support healthy behaviors; and

Whereas, more than 1,000 Illinois young people, dedicated to the "Drug Free" lifestyle, will participate in two days of drug prevention education and leadership training. These young people will carry the "Drug Free" message back to their schools and communities, and become role-models to their peers; and

Whereas, educators, parents, volunteers, and other adults will attend and participate in the 12th Annual Illinois Drug Education Alliance Conference.

These adults will train, encourage, and support young people in their choice of the "Drug Free" lifestyle; and

Whereas, the Illinois Drug Education Alliance stands firmly with the Illinois Department of Alcoholism and Substance Abuse and all of its supporting agencies -- the Governor, Lieutenant Governor, Attorney General's Office, the Secretary of State, Illinois Department of Transportation, Division of Traffic Safety, Illinois State Police, Illinois State Board of Education, the Illinois Department of Public Health, Illinois National Guard, University of Illinois Cooperative Extension Service, Alliance Against Intoxicated Motorists, Mothers Against Drunk Driving, Operation Snowball and Students Against Driving Drunk -- and with the many other state and national organizations that encourage the promotion of sound drug prevention programs;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 20-21, 1994, as DRUG FREE YOUTH DAYS in Illinois in recognition of the Illinois Drug Education Alliance and its supporting agencies in bringing a "Drug Free" message to the youth of our state.

Issued by the Governor August 10, 1994.

Filed with the Secretary of State August 12, 1994.

94-413

UKRAINIAN INDEPENDENCE DAY

Whereas, on August 24, 1991, Ukraine declared itself free and independent from the Soviet Union after many years of subjugation; and

Whereas, at that time, Ukraine began its climb to become an independent and democratic nation in the world forum; and

Whereas, Americans of Ukrainian descent and others residing in Illinois will be commemorating this third anniversary of the Declaration of Independence;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 24, 1994, as UKRAINIAN INDEPENDENCE DAY in Illinois and urge citizens to join in the commemoration of this day.

Issued by the Governor August 10, 1994.

Filed with the Secretary of State August 12, 1994.

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PR - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR* Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR*	S - Suspension ordered by JCAR*
Objections	W - Withdrawal to meet JCAR*
O - JCAR* Statement Of Objections	Objections
RQ - Request for Correction	MR - Modification and Refusal
EC - Expedited Corrections	
*Joint Committee on Administrative Rules	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240	Community Care Program (P-14225/93;A-609) (E-5355) (P-5027)
89 Ill. Adm. Code 260	Long-Term Care Insurance Partnership Demonstration Program (P-3802; A-9895)
89 Ill. Adm. Code 230	Older Americans Act Program (P-5720)

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 30	Animal Control Act (P-8972)
8 Ill. Adm. Code 110	Animal Diagnostic Laboratory Act (P-14717/93;A-1825) (P-8981) (P-9027)
8 Ill. Adm. Code 25	Animal Welfare Act (P-8993)
8 Ill. Adm. Code 75	Bovine Brucellosis (P-14728/93;A-1833)
8 Ill. Adm. Code 257	Cooperative Groundwater Protection Program (P-14288/93; A-205)
8 Ill. Adm. Code 20	Definitions (P-14793;A-1844)
8 Ill. Adm. Code 85	Diseased Animals (P-14747/93;A-1850)
8 Ill. Adm. Code 116	Equine Infectious Anemia Control (P-14761/93;A-1861)
68 Ill. Adm. Code 590	Feeder Swine Dealer Licensing (P-14765/93;A-1865)
68 Ill. Adm. Code 70	Horsemeat (P-9003)
8 Ill. Adm. Code 50	Human Slaughter of Livestock (P-9011)
8 Ill. Adm. Code 35	Humane Care for Animals Act (P-9008)

8 Ill. Adm. Code 270	Illinois State Fair and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds (P-3164;A-9400)
8 Ill. Adm. Code 40	Livestock Auction Markets (P-14769/93;A-1869)
68 Ill. Adm. Code 610	Livestock Dealer Licensing (P-14775/93;A-1875)
8 Ill. Adm. Code 125	Meat and Poultry Inspection Act (PP-304) (PP-2164) (P-3809;A-4622) (PP-6442) (PP-8493) (A-11489) (PP-12540)
8 Ill. Adm. Code 515	Refrigerated Warehouse Act (P-9033)
8 Ill. Adm. Code 105	Swine Disease Control & Eradication Act (P-14781/93;A-1880)
8 Ill. Adm. Code 600	Weights and Measures Act (E-4426) (A-8519)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

77 Ill. Adm. Code 2090	Subacute Alcoholism and Substance Abuse Treatment Services (P-5029) (C-8731)
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ATTORNEY GENERAL

14 Ill. Adm. Code 200	Franchise Disclosure Act (PP-2522)
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AUDITOR GENERAL

2 Ill. Adm. Code 601	Freedom of Information (A-7739)
2 Ill. Adm. Code 600	Public Information, Rulemaking, Organization and Personnel (A-6404) (AR-6440)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

38 Ill. Adm. Code 380	Eligible State Bank (P-19347/93;A-4630)
38 Ill. Adm. Code 335	Unimpaired Capital & Unimpaired Surplus (E-11662)

CARNIVAL-AMUSEMENT SAFETY BOARD

56 Ill. Adm. Code 6000	Carnival and Amusement Park Inspection Law (P-6040)
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CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

44 Ill. Adm. Code 5000	Acquisition, Management & Disposal of Real Property (P-15217/93;A-1886) (P-5057)
74 Ill. Adm. Code 900	Joint Rules Of The Comptroller & The Department Of Central Management Services: Prompt Payment (A-11498)
80 Ill. Adm. Code 302	Merit & Fitness (P-14788/93;A-1892) (P-12937)
80 Ill. Adm. Code 310	Pay Plan (P-13657/93;P-14314;A-227;A-1107) (P-21233/93;A-5146) (PP-9562) (P-10979) (E-11299) (P-12008)
80 Ill. Adm. Code 2650	Solicitation for Charitable Payroll Deductions (A-3115) (RC-3151)
80 Ill. Adm. Code 2800	Travel (P-12567)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 325	Administration of Psychotropic Medications to Children for Whom the Department of Children and Family Services is Legally Responsible (P-8765)
89 Ill. Adm. Code 336	Appeal Of Child Abuse And Neglect Investigation Findings (P-11407)
89 Ill. Adm. Code 434	Audits, Reviews and Investigations (P-7115/93;A-6697) (P-8777) (E-8944)
89 Ill. Adm. Code 380	Background Check of Foster Family Home Applicants (PR-8779)
89 Ill. Adm. Code 385	Background Checks (P-8219)
89 Ill. Adm. Code 358	Background Inquiry for Purchase of Service Providers (PR-8786)
89 Ill. Adm. Code 305	Client Service Planning (P-6467)
89 Ill. Adm. Code 431	Confidentiality of Personal Information of Persons Served by the Department (P-7554) (CC-7951)
89 Ill. Adm. Code 428	Department Advisory Council, Ill. Juvenile Commission & Other Statewide & Regional Committees (P-561)
89 Ill. Adm. Code 437	Department of Children and Family Services Employees Conflict of Interest (P-7539)
89 Ill. Adm. Code 384	Discipline & Behavior Management in Child Care Facilities (E-8474) (P-8528)
89 Ill. Adm. Code 314	Educational Services (P-17593/93; A-8366)
89 Ill. Adm. Code 406	Licensing Standards for Day Care Homes (P-2683) (P-11964/93;A-5531) (RC-3152)
89 Ill. Adm. Code 402	Licensing Standards for Foster Family Homes (P-8237; RC-10499) (E-8481)
89 Ill. Adm. Code 408	Licensing Standards for Group Day Care Homes (P-2700) (P-11976/93;A-5540) (RC-3153)
89 Ill. Adm. Code 308	Nondiscrimination Requirements Of Department Service Providers (A-11510)
89 Ill. Adm. Code 356	Rate Setting (A-11512)
89 Ill. Adm. Code 335	Relative Home Placements (P-6681/93;A-7444)
89 Ill. Adm. Code 300	Reports of Child Abuse & Neglect (P-18271/93;A-8377) (P-8240) (P-15218/93;A-8601)
CIVIL SERVICE SYSTEM, STATE UNIVERSITIES	
80 Ill. Adm. Code 250	State Universities Civil Service System (P-18453/93;A-1901)
COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF	
47 Ill. Adm. Code 160	Emergency Shelter Grants Program (P-15747/93;A-5163)
14 Ill. Adm. Code 520	Enterprise Zone Program (P-9791/93;A-5172)
14 Ill. Adm. Code 510	Ill. Promotion Act Programs (P-14318/93;A-5813) (P-21905/93;A-8387)

14 Ill. Adm. Code 570	Illinois Small Business Development Program (P-21123/93;A-6112)
56 Ill. Adm. Code 509	Industrial Training Program (P-20063/93;RQ-6022)
14 Ill. Adm. Code 620	Labor-Management Program (P-9667)
83 Ill. Adm. Code 772	Pay-Per-Call Services (P-7156)
14 Ill. Adm. Code 610	Public Infrastructure Loan & Grants Programs (P-19352/93;A-8398)
56 Ill. Adm. Code 2600	Service Delivery System & State Responsibilities (P-805; A-9902)
1 Ill. Adm. Code 300	Small Business Impact Analysis Procedures (CC-9934)
14 Ill. Adm. Code 545	Technology Advancement & Development Act Program (P-839;A-8415) (P-11411)
56 Ill. Adm. Code 2630	Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-855; A-9935)
COMMERCE COMMISSION, ILLINOIS	
92 Ill. Adm. Code 1376	Accounting & Financial Record Requirements (P-8630/93;A-1914)
92 Ill. Adm. Code 1205	Fees And Taxes (A-11155)
92 Ill. Adm. Code 1425	Financial Responsibility Of Carriers (A-11162)
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TYPE OF RULE MAKING

am = amend to existing Section
cc = codification changes
n = New section
r = repeal of existing Section
re = reclassified
= renumbered

ACTION CODE

A = Adopted Rule
E = Emergency
P = Proposed Rule
PP = Peremptory
M = Modification
W = Withdrawal
CC = Codification Changes
RQ = Request for Correction
PF = Prohibited Filing
S = Suspension
O = JCAR Objection
F = Failure to Remedy Objections
RC = Recommendations
EC = Expedited Correction
C = Correction

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100.1030	am	(P-7087/A-13067)	220.1150	am	(P-13307/93;A-4758)
100.1100	am	(P-7087/A-13067)	220.1200	am	(P-13307/93;A-4758)
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100.1130	am	(P-7087/A-13067)	220.1400	am	(P-13307/93;A-4758)
100.1140	am	(P-7087/A-13067)	220.1450	am	(P-13307/93;A-4758)
100.1150	am	(P-7087/A-13067)	220.1500	am	(P-13307/93;A-4758)
100.1200	am	(P-7087/A-13067)	220.1550	am	(P-13307/93;A-4758)
100.1210	am	(P-7087/A-13067)	220.1600	am	(P-13307/93;A-4758)
100.1215	am	(P-7087/A-13067)	220.1650	am	(P-13307/93;A-4758)
100.1220	am	(P-7087/A-13067)	220.1700	am	(P-13307/93;A-4758)
100.1230	am	(P-7087/A-13067)	220.1750	am	(P-13307/93;A-4758)
100.1240	am	(P-7087/A-13067)	220.1800	am	(P-13307/93;A-4758)
100.1250	am	(P-7087/A-13067)	220.1850	am	(P-13307/93;A-4758)
100.1260	am	(P-7087/A-13067)	220.1900	am	(P-13307/93;A-4758)
100.1270	am	(P-7087/A-13067)	220.1950	am	(P-13307/93;A-4758)
100.1280	am	(P-7087/A-13067)	220.2000	am	(P-13307/93;A-4758)
100.1290	am	(P-7087/A-13067)	220.2050	am	(P-13307/93;A-4758)
100.1300	am	(P-7087/A-13067)	220.2100	am	(P-13307/93;A-4758)
100.1310	am	(P-7087/A-13067)	220.2150	am	(P-13307/93;A-4758)
100.1320	am	(P-7087/A-13067)	220.2200	am	(P-13307/93;A-4758)
100.1330	am	(P-7087/A-13067)	220.2250	am	(P-13307/93;A-4758)
100.1340	am	(P-7087/A-13067)	220.2300	am	(P-13307/93;A-4758)
100.1350	am	(P-7087/A-13067)	220.2350	am	(P-13307/93;A-4758)
100.1360	am	(P-7087/A-13067)	220.2400	am	(P-13307/93;A-4758)
100.1370	am	(P-7087/A-13067)	220.2450	am	(P-13307/93;A-4758)
100.1380	am	(P-7087/A-13067)	220.2500	am	(P-13307/93;A-4758)
100.1390	am	(P-7087/A-13067)	220.2550	am	(P-13307/93;A-4758)
100.1400	am	(P-7087/A-13067)	220.2600	am	(P-13307/93;A-4758)
100.1410	am	(P-7087/A-13067)	220.2650	am	(P-13307/93;A-4758)
100.1420	am	(P-7087/A-13067)	220.2700	am	(P-13307/93;A-4758)
100.1430	am	(P-7087/A-13067)	220.2750	am	(P-13307/93;A-4758)
100.1440	am	(P-7087/A-13067)	220.2800	am	(P-13307/93;A-4758)
100.1450	am	(P-7087/A-13067)	220.2850	am	(P-13307/93;A-4758)
100.1460	am	(P-7087/A-13067)	220.2900	am	(P-13307/93;A-4758)
100.1470	am	(P-7087/A-13067)	220.2950	am	(P-13307/93;A-4758)
100.1480	am	(P-7087/A-13067)	220.3000	am	(P-13307/93;A-4758)
100.1490	am	(P-7087/A-13067)	220.3050	am	(P-13307/93;A-4758)
100.1500	am	(P-7087/A-13067)	220.3100	am	(P-13307/93;A-4758)
100.1510	am	(P-7087/A-13067)	220.3150	am	(P-13307/93;A-4758)
100.1520	am	(P-7087/A-13067)	220.3200	am	(P-13307/93;A-4758)
100.1530	am	(P-7087/A-13067)	220.3250	am	(P-13307/93;A-4758)
100.1540	am	(P-7087/A-13067)	220.3300	am	(P-13307/93;A-4758)
100.1550	am	(P-7087/A-13067)	220.3350	am	(P-13307/93;A-4758)
100.1560	am	(P-7087/A-13067)	220.3400	am	(P-13307/93;A-4758)
100.1570	am	(P-7087/A-13067)	220.3450	am	(P-13307/93;A-4758)
100.1580	am	(P-7087/A-13067)	220.3500	am	(P-13307/93;A-4758)
100.1590	am	(P-7087/A-13067)	220.3550	am	(P-13307/93;A-4758)
100.1600	am	(P-7087/A-13067)	220.3600	am	(P-13307/93;A-4758)
100.1610	am	(P-7087/A-13067)	220.3650	am	(P-13307/93;A-4758)
100.1620	am	(P-7087/A-13067)	220.3700	am	(P-13307/93;A-4758)
100.1630	am	(P-7087/A-13067)	220.3750	am	(P-13307/93;A-4758)
100.1640	am	(P-7087/A-13067)	220.3800	am	(P-13307/93;A-4758)
100.1650	am	(P-7087/A-13067)	220.3850	am	(P-13307/93;A-4758)
100.1660	am	(P-7087/A-13067)	220.3900	am	(P-13307/93;A-4758)

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230.600	am	(P-13223/93;A-1233)	260 Ex.D	am	(P-13233/93;A-4705)	925 Ap.A	am	(P-525)
230.700	am	(P-13223/93;A-1233)	300.	re	(A-9934)	926.10	#	(P-512)
230.800	am	(P-13223/93;A-1233)	TITLE 2			926.20	#	(P-512)
230.900	am	(P-13223/93;A-1233)	600.10	r		926.110	r	(P-512)
230.1000	am	(P-13223/93;A-1233)	600.110	r		926.130	r	(P-512)
230 Ex.A	am	(P-13223/93;A-1233)	600.110	r		926.200	# am	(P-512)
230 Ex.B	am	(P-13223/93;A-1233)	600.120	r		926.210	am	(P-512)
230 Ex.C	am	(P-13223/93;A-1233)	600.120	r		926.220	am	(P-512)
230 Ex.D	am	(P-13223/93;A-1233)	600.210	r		926.231	# am	(P-512)
230 Ex.E	am	(P-13223/93;A-1233)	600.210	r		926.235	# am	(P-512)
230 Ex.F	re	(A-7499)	600.220	r		926.236	# am	(P-512)
240.	re	(P-13294/93;A-4745)	600.220	r		926.240	#	(P-512)
240.100	am	(P-13294/93;A-4745)	600.610	r		926.250	am	(P-512)
240.200	am	(P-13294/93;A-4745)	600.610	r		926.260	am	(P-512)
240.300	am	(P-13294/93;A-4745)	600.614	n		926.270	am	(P-512)
240.400	am	(P-13294/93;A-4745)	600.618	n		926.280	#	(P-512)
240.500	am	(P-13294/93;A-4745)	600.620	n		2050.20	am	(A-6015)
240.600	am	(P-13294/93;A-4745)	600.622	n		2050.30	am	(A-6015)
240.700	am	(P-13294/93;A-4745)	600.626	n		2050.110	am	(A-6015)
240.800	am	(P-13294/93;A-4745)	600.630	r		2950.10	am	(A-5889)
240.900	am	(P-13294/93;A-4745)	600.634	n		2950.20	am	(A-5889)
240.1000	am	(P-13248/93;A-4720)	600.638	n		2950.30	am	(A-5889)
240.1100	am	(P-13248/93;A-4720)	600.640	r		2950.40	am	(A-5889)
245.	re	(A-7496)	600.642	n		2950.50	am	(A-5889)
245.100	am	(P-13248/93;A-4720)	600.646	n		2950.60	n	(A-6015)
245.110	am	(P-13248/93;A-4720)	600'650	r		2960.70	n	(A-6015)
245.130	am	(P-13248/93;A-4720)	600.654	n		2960.80	am	(A-6015)
245.140	am	(P-13248/93;A-4720)	600.658	n		2960.90	am	(A-6015)
245 Ex.A	am	(P-13248/93;A-4720)	600.662	r		2960.100	am	(A-6015)
245 Ex.B	am	(P-13248/93;A-4720)	600.666	r		2950.110	am	(A-5889)
250.200	am	(P-13257/93;A-4728)	600.670	r		2950.120	am	(A-5889)
250.300	am	(P-13257/93;A-4728)	600.674	n		2950.200	am	(A-5889)
250.400	am	(P-13257/93;A-4728)	600.678	n		2950.210	am	(A-5889)
250.500	am	(P-13257/93;A-4728)	600.680	r		2950.220	am	(A-5889)
250.600	am	(P-13257/93;A-4728)	600.682	r		2950.230	am	(A-5889)
250.700	am	(P-13257/93;A-4728)	600.686	r		2950.240	am	(A-5889)
250.800	am	(P-13257/93;A-4728)	600.690	r		2950.250	am	(A-5889)
250.900	am	(P-13257/93;A-4728)	600.694	n		2950.260	am	(A-5889)
250.1000	am	(P-13257/93;A-4728)	600.698	n		2950.270	am	(A-5889)
250.1100	am	(P-13257/93;A-4728)	600.700	r		2950.280	am	(A-5889)
250.1200	am	(P-13257/93;A-4728)	600.704	n		2950.290	am	(A-5889)
250.1300	am	(P-13257/93;A-4728)	600.708	n		2950.300	am	(A-5889)
250.1400	am	(P-13257/93;A-4728)	600.712	n		2950.310	am	(A-5889)
250.1500	am	(P-13257/93;A-4728)	600.716	n		2950.320	am	(A-5889)
250.1600	am	(P-13257/93;A-4728)	600.720	n		2950.330	am	(A-5889)
250.1700	am	(P-13257/93;A-4728)	600.724	n		2950.340	am	(A-5889)
250.1800	am	(P-13257/93;A-4728)	600.728	n		2950.350	am	(A-5889)
250.1900	am	(P-13257/93;A-4728)	600.732	n		2950.360	am	(A-5889)
250.2000	am	(P-13257/93;A-4728)	600.736	n		2950.370	am	(A-5889)
250.2100	am	(P-13257/93;A-4728)	600.740	n		2950.380	am	(A-5889)
255.10	n	(E-5359)	601.100	am	(A-7739)	2950 Ap.A	am	(A-5889)
255.20	n	(E-5359)	601.400	am	(A-7739)	2950 Ap.A	# n	(A-5889)
260.	re	(A-7595)	601.400	am	(A-7739)	2950 Ap.B	# am	(A-5889)
260.100	am	(P-13233/93;A-4705)	601 Ap.E	am	(A-7739)	TITLE 8		
260.200	am	(P-13233/93;A-4705)	826.10	am	(A-8616)	20.01	am	(P-14793/93;A-1844)
260.300	am	(P-13233/93;A-4705)	826.110	am	(A-8616)	25.01	am	(P-8993)
260.350	am	(P-13233/93;A-4705)	826.120	am	(A-8616)	25.20	am	(P-8993)
260.400	am	(P-13233/93;A-4705)	826.220	am	(A-8616)	25.30	am	(P-8993)
260.450	am	(P-13233/93;A-4705)	826.240	am	(A-8616)	25.40	am	(P-8993)
260.500	am	(P-13233/93;A-4705)	826.420	am	(P-525)	25.80	am	(P-8993)
260.600	am	(P-13233/93;A-4705)	925.110	am	(P-525)	25.110	am	(P-8993)
260.700	am	(P-13233/93;A-4705)	925.120	am	(P-525)	25.120	am	(P-8993)
260.800	am	(P-13233/93;A-4705)	925.130	am	(P-525)	25.130	am	(P-8993)
260.900	am	(P-13233/93;A-4705)	925.210	am	(P-525)	30.10	am	(P-8972)
260.1000	am	(P-13233/93;A-4705)	925.220	am	(P-525)	30.20	am	(P-8972)
260.1100	am	(P-13233/93;A-4705)	925.230	am	(P-525)	30.30	am	(P-8972)
260 Ex.A	am	(P-13233/93;A-4705)	925.240	am	(P-525)	30.40	am	(P-8972)
260 Ex.B	am	(P-13233/93;A-4705)	925.250	am	(P-525)	30.50	am	(P-8972)
260 Ex.C	am	(P-13233/93;A-4705)	925.260	am	(P-525)	30.60	am	(P-8972)

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	510 10	am	(P-15790/93 A-2064)	1700 200	am	(P-5394, A-11168)	610 300	am	(P-19352/93 A-8398)
	510 20	am	(P-15790/93 A-2064)	1770 210	am	(P-5394, A-11168)	610 400	am	(P-19352/93 A-8398)
	510 30	am	(P-15790/93 A-2064)	1770 190	am	(P-6519)	610 500	am	(P-19352/93 A-8398)
	510 40	am	(P-15790/93 A-2064)	1770 190	am	(P-6519)	610 600	am	(P-19352/93 A-8398)
	510 60	am	(P-15790/93 A-2064)	1770 130	am	(P-7186)	610 700	am	(P-19352/93 A-8398)
	510 100	am	(P-15790/93 A-2064)	1770 30	am	(P-7186)	610 800	am	(P-19352/93 A-8398)
	5101 30	am	(P-15790/93 A-2064)	1770 120	am	(P-7186)	610 900	am	(P-19352/93 A-8398)
	5101 60	am	(P-15790/93 A-2064)	1770 140	am	(P-7186)	620 50	am	(P-9667)
	5101 100	am	(P-15790/93 A-2064)	1770 160	am	(P-7186)	TITLE 17		
	5101 170	am	(P-15790/93 A-2064)	1770 180	am	(P-7186)	130 50	am	(P-18721/93 A-1126)
	510 200	am	(P-5500, A-11607)	1770 180	am	(P-7186)	130 100	am	(P-18721/93 A-1126)
	510 230	am	(P-15790/93 A-2064)	1770 190	am	(P-7186)	530 20	am	(P-4495, 12628)
	510 240	f	(P-15790/93 A-2064)	1770 200	am	(P-7186)	530 60	am	(P-4495, 12628)
	1304 10	f	(P-19033/93 A-2088)	TITLE 14			530 70	am	(P-4495, 12628)
	1313 60	am	(P-6680)	150 470	am	(P-793, A-7783)	530 80	am	(P-4495, 12628)
	1320 20	am	(P-19050/93 A-2090)	180 10	am	(P-18793/93 A-2101)	530 100	am	(P-4495, 12628)
	1401 10	f	(P-19050/93 A-2090)	180 12	am	(P-18793/93 A-2101)	530 105	am	(P-4495, 12628)
	1401 25	f	(P-19050/93 A-2090)	200 101	am	(PP-2522)	530 110	am	(P-4495, 12628)
	1401 30	f	(P-19050/93 A-2090)	510 20	am	(P-14318/93 A-5813)	530 115	f	(P-4495, 12628)
	1401 40	f	(P-19050/93 A-2090)	510 60	am	(P-14318/93 A-5813)	550 20	am	(P-3868, A-10090)
	1401 50	f	(P-19050/93 A-2090)	510 60	am	(P-14318/93 A-5813)	550 30	am	(P-3868, A-10090)
	1401 60	f	(P-19050/93 A-2090)	510 60	am	(P-14318/93 A-5813)	570 20	am	(P-3853, A-10077)
	1401 67	f	(P-19050/93 A-2090)	510 86	am	(P-14318/93 A-5813)	570 30	am	(P-3853, A-10077)
	1401 70	f	(P-19050/93 A-2090)	510 210	am	(P-21905/93 A-8387)	590 10	am	(P-5065, A-10023)
	1401 80	f	(P-19050/93 A-2090)	510 220	am	(P-21905/93 A-8387)	590 20	am	(P-5065, A-10023)
	1401 90	f	(P-19050/93 A-2090)	510 230	am	(P-21905/93 A-8387)	590 25	am	(P-5065, A-10023)
	1401 100	f	(P-19050/93 A-2090)	510 240	am	(P-21905/93 A-8387)	590 26	am	(P-5065, A-10023)
	1401 110	f	(P-19050/93 A-2090)	510 250	am	(P-21905/93 A-8387)	590 30	am	(P-5065, A-10023)
	1401 120	f	(P-19050/93 A-2090)	510 260	am	(P-21905/93 A-8387)	590 40	am	(P-5065, A-10023)
	1401 130	f	(P-19050/93 A-2090)	510 270	am	(P-21905/93 A-8387)	590 50	am	(P-5065, A-10023)
	1401 140	f	(P-19050/93 A-2090)	510 275	am	(P-21905/93 A-8387)	590 60	am	(P-5065, A-10023)
	1401 150	f	(P-19050/93 A-2090)	510 280	am	(P-21905/93 A-8387)	590 60	am	(P-5065, A-10023)
	1401 160	f	(P-19050/93 A-2090)	510 288	am	(P-21905/93 A-8387)	650 20	am	(P-21927/93 A-5859)
	1401 170	f	(P-19050/93 A-2090)	510 290	am	(P-21905/93 A-8387)	650 21	am	(P-21927/93 A-5859)
	1401 180	f	(P-19050/93 A-2090)	540 520	am	(P-21905/93 A-8387)	650 23	am	(P-21927/93 A-5859)
	1405 100	f	(P-5503, A-11610)	545 10	am	(P-979/93 A-5172)	650 30	am	(P-21927/93 A-5859)
	1411 240	am	(P-19892/93 A-2092)	545 30	am	(P-839, A-8415)	650 40	am	(P-21927/93 A-5859)
	1413 42	am	(P-2038)	545 40	am	(P-839, A-8415)	650 50	am	(P-21927/93 A-5859)
	1413 130	am	(P-5505, A-11612)	545 50	am	(P-839, A-8415)	650 60	am	(P-21927/93 A-5859)
	1413 265	am	(P-2038)	545 60	am	(P-839, A-8415)	650 65	am	(P-21927/93 A-5859)
	1415 280	f	(P-5512, A-11620)	545 70	am	(P-839, A-8415)	660 20	am	(P-21952/93 A-5878)
	1422 120	am	(P-2036)	545 420	am	(P-11411)	660 30	am	(P-21952/93 A-5878)
	1440 10	n	(P-15799/93 A-2098)	545 430	am	(P-11411)	660 40	am	(P-21952/93 A-5878)
	1440 20	n	(P-15799/93 A-2098)	545 440	am	(P-11411)	660 50	am	(P-21952/93 A-5878)
	1440 30	n	(P-15799/93 A-2098)	545 450	am	(P-11411)	660 60	am	(P-21952/93 A-5878)
	1440 40	n	(P-15799/93 A-2098)	545 460	am	(P-11411)	660 70	am	(P-21952/93 A-5878)
	1440 50	n	(P-15799/93 A-2098)	545 470	am	(P-11411)	670 20	am	(P-21907/93 A-5842)
	1440 60	n	(P-15799/93 A-2098)	545 480	am	(P-11411)	670 21	am	(P-21907/93 A-5842)
	1440 70	n	(P-15799/93 A-2098)	545 490	am	(P-11411)	670 40	am	(P-21907/93 A-5842)
	1700 10	am	(P-5394, A-11168)	570 10	am	(P-22123/93 A-6119)	670 50	am	(P-21907/93 A-5842)
	1700 20	am	(P-5394, A-11168)	570 20	am	(P-22123/93 A-6119)	670 60	am	(P-21907/93 A-5842)
	1700 30	am	(P-5394, A-11168)	570 25	am	(P-22123/93 A-6119)	680 10	am	(P-10998)
	1700 40	am	(P-5394, A-11168)	570 30	am	(P-22123/93 A-6119)	680 20	am	(P-10998)
	1700 50	am	(P-5394, A-11168)	570 40	am	(P-22123/93 A-6119)	690 10	am	(P-3193, A-8624)
	1700 60	am	(P-5394, A-11168)	570 50	am	(P-22123/93 A-6119)	690 20	am	(P-3193, A-8624)
	1700 70	am	(P-5394, A-11168)	570 60	am	(P-22123/93 A-6119)	690 30	am	(P-3193, A-8624)
	1700 80	am	(P-5394, A-11168)	570 70	am	(P-22123/93 A-6119)	710 5	n	(P-18927/93 A-1156)
	1700 100	am	(P-5394, A-11168)	570 100	am	(P-5394, A-11168)	710 10	am	(E-3751)
	1700 150	am	(P-5394, A-11168)	610 30	am	(P-19352/93 A-8398)	710 20	am	(P-18927/93 A-1156)
	1700 160	am	(P-5394, A-11168)	610 50	am	(P-19352/93 A-8398)	710 21	am	(P-18927/93 A-1156)
	1700 170	am	(P-5394, A-11168)	610 60	am	(P-19352/93 A-8398)	710 22	am	(P-18927/93 A-1156)
	1700 180	am	(P-5394, A-11168)	610 100	n	(P-19352/93 A-8398)			

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817.418	n	(C-21878/93)	832.106	n	(P-11033)	1075.1215	am	(P-9858)
		(C-21878/93)	832.107	n	(P-11033)	1075.1220	am	(P-9858)
817.419	n	(P-11033)	832.108	n	(P-11033)	1075.1225	r,n	(P-9858)
		(C-21878/93)	832.111	n	(P-11033)	1075.1235	am	(P-9858)
817.501	n	(C-21878/93)	832.112	n	(P-11033)	1075.1240	am	(P-9858)
		(C-21878/93)	832.201	n	(P-11033)	1075.1245	am	(P-9858)
817.4p.A	n	(C-21878/93)	832.202	n	(P-11033)	1075.1270	am	(P-9858)
		(C-21878/93)	832.301	n	(P-11033)	1075.1285	am	(P-9858)
830.101	n	(P-11040)	832.302	n	(P-11033)	1075.1290	am	(P-9858)
830.102	n	(P-11040)	832.303	n	(P-11033)	1075.1295	am	(P-9858)
830.103	n	(P-11040)				1075.1305	am	(P-9858)
830.104	n	(P-11040)				1075.1310	am	(P-9858)
830.105	n	(P-11040)				1075.1315	am	(P-9858)
830.106	n	(P-11040)				1075.1330	am	(P-9858)
830.107	n	(P-11040)				1075.2175	n	(E-7016)(P-9858)
830.108	n	(P-11040)						
830.201	n	(P-11040)						
830.202	n	(P-11040)						
830.203	n	(P-11040)						
830.204	n	(P-11040)						
830.205	n	(P-11040)						
830.206	n	(P-11040)						
830.207	n	(P-11040)						
830.208	n	(P-11040)						
830.209	n	(P-11040)						
830.210	n	(P-11040)						
830.211	n	(P-11040)						
830.212	n	(P-11040)						
830.213	n	(P-11040)						
830.501	n	(P-11040)						
830.502	n	(P-11040)						
830.503	n	(P-11040)						
830.504	n	(P-11040)						
830.507	n	(P-11040)						
830.508	n	(P-11040)						
830.601	n	(P-11040)						
830.602	n	(P-11040)						
830.603	n	(P-11040)						
830.604	n	(P-11040)						
830.605	n	(P-11040)						
830.606	n	(P-11040)						
830.70.A	n	(P-11040)						
830.70.B	n	(P-11040)						
830.70.C	n	(P-11040)						
830.70.D	n	(P-11040)						
830.8	n	(P-11025)						
831.10	n	(P-11025)						
831.102	n	(P-11025)						
831.103	n	(P-11025)						
831.104	n	(P-11025)						
831.105	n	(P-11025)						
831.106	n	(P-11025)						
831.107	n	(P-11025)						
831.108	n	(P-11025)						
831.109	n	(P-11025)						
831.110	n	(P-11025)						
831.111	n	(P-11025)						
831.112	n	(P-11025)						
831.113	n	(P-11025)						
831.114	n	(P-11025)						
831.115	n	(P-11025)						
831.116	n	(P-11025)						
831.117	n	(P-11025)						
831.118	n	(P-11025)						
831.119	n	(P-11025)						
832.101	n	(P-11033)						
832.102	n	(P-11033)						
832.103	n	(P-11033)						
832.104	n	(P-11033)						
832.105	n	(P-11033)						

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170.110	r	(P-9106)	170.890	am	(P-9106)	5000.250	n	(P-15217/93.A-1866)
170.210	am	(P-9106)	170.910	am	(P-9106)	5000.310	am	(P-5057)
170.400	am	(P-9106)						
170.410	am	(P-9106)						
170.411	n	(P-9106)						
170.412	n	(P-9106)						
170.420	am	(P-9106)						
170.421	n	(P-9106)						
170.422	n	(P-9106)						
170.423	n	(P-9106)						
170.424	n	(P-9106)						
170.425	n	(P-9106)						
170.426	n	(P-9106)						
170.427	n	(P-9106)						
170.430	am	(P-9106)						
170.431	am	(P-9106)						
170.440	am	(P-9106)						
170.441	n	(P-9106)						
170.442	n	(P-9106)						
170.445	am	(P-9106)						
170.450	am	(P-9106)						
170.510	am	(P-9106)						
170.520	am	(P-9106)						
170.530	am	(P-9106)						
170.540	am	(P-9106)						
170.541	n	(P-9106)						
170.542	n	(P-9106)						
170.543	n	(P-9106)						
170.544	n	(P-9106)						
170.545	n	(P-9106)						
170.560	am	(P-9106)						
170.570	am	(P-9106)						
170.580	am	(P-9106)						
170.590	am	(P-9106)						
170.600	am	(P-9106)						
170.610	am	(P-9106)						
170.620	am	(P-9106)						
170.630	am	(P-9106)						
170.640	am	(P-9106)						
170.650	am	(P-9106)						
170.660	am	(P-9106)						
170.670	am	(P-9106)						
170.671	n	(P-9106)						
170.672	n	(P-9106)						
170.673	n	(P-9106)						
170.700	r,n	(P-9106)						
170.705	n	(P-9106)						
170.710	n	(P-9106)						
170.720	n	(P-9106)						
170.730	n	(P-9106)						
170.740	n	(P-9106)						
170.750	n	(P-9106)						
170.760	n	(P-9106)						
170.770	n	(P-9106)						
170.780	n	(P-9106)						
170.795	n	(P-9106)						
170.800	am	(P-9106)						
170.810	am	(P-9106)						
170.820	am	(P-9106)						
170.830	am	(P-9106)						
170.850	am	(P-9106)						
170.860	r	(P-9106)						

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6000 190	am	(P-6040)	240 380	am	(P-21128/93/A-8061)	240 1910	n	(P-21128/93/A-8061)			
6000 220	am	(P-6040)	240 460	am	(P-21128/93/A-8061)	240 1920	n	(P-21128/93/A-8061)			
6000 250	am	(P-6040)	240 470	n	(P-21128/93/A-8061)	240 1930	n	(P-21128/93/A-8061)			
6000 260	am	(P-6040)	240 500	am	(P-21128/93/A-8061)	240 1940	n	(P-21128/93/A-8061)			
6000 270	am	(P-6040)	240 610	am	(P-21128/93/A-8061)	240 1950	n	(P-21128/93/A-8061)			
6000 280	am	(P-6040)	240 640	am	(P-21128/93/A-8061)	240 1960	n	(P-21128/93/A-8061)			
6000 290	am	(P-6040)	240 710	am	(P-21128/93/A-8061)						
6000 300	am	(P-6040)	240 740	am	(P-21128/93/A-8061)						
6000 310	am	(P-6040)	240 750	am	(P-21128/93/A-8061)	590 30	am	(P-14765/93/A-1865)			
6000 320	am	(P-6040)	240 760	am	(P-21128/93/A-8061)	610 10	am	(P-14775/93/A-1875)			
6000 330	am	(P-6040)	240 770	am	(P-21128/93/A-8061)	610 20	r	(P-14775/93/A-1875)			
6000 340	am	(P-6040)	240 780	am	(P-21128/93/A-8061)	610 30	am	(P-14775/93/A-1875)			
			240 810	am	(P-21128/93/A-8061)	610 40	am	(P-14775/93/A-1875)			
			240 850	am	(P-21128/93/A-8061)	610 60	am	(P-14775/93/A-1875)			
		(P-10688/93/A-4179)	240 860	am	(E-10380/P-11696)	1150 10	n	(P-11337/93/A-10736)			
TITLE 59											
101 75	n	(P-3976)	240 861	n	(P-21128/93/A-8061)						
106 45	am	(P-3980)		am	(E-10380/P-11696)	1150 20	am	(P-11337/93/A-10736)			
120 110	am	(P-3976)		am	(P-21128/93/A-8061)						
121 130	am	(P-3976)	240 880	am	(P-21128/93/A-8061)						
121 35	am	(P-3976)	240 920	am	(P-21128/93/A-8061)	1150 85	n	(P-11337/93/A-10736)			
122 65	am	(P-3969)	240 980	am	(P-21128/93/A-8061)						
132 55	am	(P-3982)	240 950	am	(P-21128/93/A-8061)						
138 21	n	(P-8795)	240 1110	am	(P-21128/93/A-8061)	1150 Ap A	n	(P-11337/93/A-10736)			
258 110	n	(P-8795)	240 1120	am	(P-21128/93/A-8061)						
258 120	n	(P-8795)	240 1130	am	(P-21128/93/A-8061)	1175 100	am	(P-20217/93/A-4856)			
258 130	n	(P-8795)	240 1140	am	(P-21128/93/A-8061)	1175 1001	am	(P-20217/93/A-4856)			
258 200	n	(P-8795)	240 1190	am	(P-21128/93/A-8061)	1175 1005	am	(P-20217/93/A-4856)			
258 210	n	(P-8795)	240 1200	am	(P-21128/93/A-8061)	1175 1010	am	(P-20217/93/A-4856)			
258 220	n	(P-8795)	240 1205	am	(P-21128/93/A-8061)	1175 1015	am	(P-20217/93/A-4856)			
258 230	n	(P-8795)	240 1210	r	(P-21128/93/A-8061)	1175 1020	am	(P-20217/93/A-4856)			
258 240	n	(P-8795)	240 1230	am	(P-21128/93/A-8061)	1175 1025	am	(P-20217/93/A-4856)			
258 250	n	(P-8795)	240 1240	am	(P-21128/93/A-8061)	1175 1030	am	(P-20217/93/A-4856)			
258 260	n	(P-8795)	240 1250	am	(P-21128/93/A-8061)	1175 1035	am	(P-20217/93/A-4856)			
258 270	n	(P-8795)	240 1260	am	(P-21128/93/A-8061)	1175 1100	am	(P-20217/93/A-4856)			
258 280	n	(P-8795)	240 1280	am	(P-21128/93/A-8061)	1175 1105	am	(P-20217/93/A-4856)			
258 300	n	(P-8795)	240 1410	am	(P-21128/93/A-8061)	1175 1110	am	(P-20217/93/A-4856)			
258 310	n	(P-8795)	240 1440	am	(P-21128/93/A-8061)	1175 1115	am	(P-20217/93/A-4856)			
258 320	n	(P-8795)	240 1460	am	(P-21128/93/A-8061)	1175 1115	am	(P-20217/93/A-4856)			
258 330	n	(P-8795)	240 1480	n	(P-21128/93/A-8061)	1175 1120	am	(P-20217/93/A-4856)			
258 340	n	(P-8795)	240 1500	am	(P-21128/93/A-8061)	1175 1125	am	(P-20217/93/A-4856)			
258 350	n	(P-8795)	240 1510	am	(P-21128/93/A-8061)	1175 1130	am	(P-20217/93/A-4856)			
258 360	n	(P-8795)	240 1520	am	(P-21128/93/A-8061)	1175 1135	am	(P-20217/93/A-4856)			
258 370	n	(P-8795)	240 1600	n	(P-21128/93/A-8061)	1175 1140	am	(P-20217/93/A-4856)			
258 380	n	(P-8795)			(P-11696)	1175 1145	am	(P-20217/93/A-4856)			
258 390	n	(P-8795)	240 1620	n	(P-21128/93/A-8061)	1175 1150	am	(P-20217/93/A-4856)			
258 400	n	(P-8795)			(P-11696)	1175 1155	am	(P-20217/93/A-4856)			
258 410	n	(P-8795)	240 1630	n	(P-21128/93/A-8061)	1175 1160	am	(P-20217/93/A-4856)			
258 420	n	(P-8795)	240 1640	n	(P-21128/93/A-8061)	1175 1165	am	(P-20217/93/A-4856)			
258 510	n	(P-8795)	240 1700	n	(P-21128/93/A-8061)	1175 1170	am	(P-20217/93/A-4856)			
258 520	n	(P-8795)	240 1705	n	(P-21128/93/A-8061)	1175 1175	am	(P-20217/93/A-4856)			
258 530	n	(P-8795)	240 1710	n	(P-21128/93/A-8061)	1175 1200	am	(P-20217/93/A-4856)			
258 540	n	(P-8795)	240 1720	n	(P-21128/93/A-8061)	1175 1205	am	(P-20217/93/A-4856)			
			240 1730	n	(P-21128/93/A-8061)	1175 1210	am	(P-20217/93/A-4856)			
			240 1740	n	(P-21128/93/A-8061)	1175 1215	am	(P-20217/93/A-4856)			
			240 1800	n	(P-21128/93/A-8061)	1200 20	am	(P-12103)			
			240 1805	n	(P-21128/93/A-8061)	1200 30	am	(P-12103)			
			240 1810	n	(P-21128/93/A-8061)	1200 40	am	(P-12103)			
					(P-11696)	1200 75	n	(P-12103)			
			240 1820	n	(P-21128/93/A-8061)	1270 5	am	(P-14550/93/A-5900)			
			240 1830	n	(P-21128/93/A-8061)		am	(P-9849)			
			240 1835	n	(P-21128/93/A-8061)	1270 10	am	(P-14550/93/A-5900)			
			240 1840	n	(P-21128/93/A-8061)		am	(P-9849)			
			240 1850	n	(P-21128/93/A-8061)	1270 13	am	(P-14550/93/A-5900)			
			240 1855	n	(P-21128/93/A-8061)	1270 20	am	(P-9849)			
			240 1860	n	(P-21128/93/A-8061)	1283 10	n	(P-5477/A-10752)			
			240 1865	n	(P-21128/93/A-8061)	1283 20	n	(P-5477/A-10752)			
			240 1870	n	(P-21128/93/A-8061)	1283 40	n	(P-5477/A-10752)			
			240 1875	n	(P-21128/93/A-8061)	1283 50	n	(P-5477/A-10752)			
			240 1905	n	(P-21128/93/A-8061)	1283 60	n	(P-5477/A-10752)			
			240 1905	n	(P-21128/93/A-8061)						

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1283.80	n	(P-5477,A-10752)	1455,210	am	(P-16379/93,A-2379)	900,20	n	(P-10677/93,A-11521)
1283.87	n	(P-5477,A-10752)	1455,300	am	(P-16379/93,A-2379)	900,30	n	(P-10677/93,A-11521)
1283.90	n	(P-5477,A-10752)	1465,10	am	(P-16379/93,A-2379)	900,40	n	(P-10677/93,A-11521)
1283.90	n	(P-5477,A-10752)	1465,20	am	(P-16379/93,A-2379)	900,50	n	(P-10677/93,A-11521)
1283.120	n	(P-5477,A-10752)	1465,30	am	(P-16379/93,A-2379)	900,60	n	(P-10677/93,A-11521)
1285.80	am	(EC-312)	1465,35	n	(P-17194,A-12794)	900,70	n	(P-10677/93,A-11521)
1315.130	am	(P-590,A-7373)	1465,36	n	(P-17194,A-12794)	900,80	n	(P-10677/93,A-11521)
1315.90	am	(P-590,A-7373)	1465,40	am	(P-17194,A-12794)	900,90	n	(P-10677/93,A-11521)
1315.110	am	(P-590,A-7373)	1465,60	am	(P-17194,A-12794)	900,100	n	(P-10677/93,A-11521)
1315.100	am	(P-590,A-7373)	1465,70	n	(P-17194,A-12794)	900,110	n	(P-10677/93,A-11521)
1315.120	am	(P-590,A-7373)	1465,90	am	(P-17194,A-12794)	900,120	n	(P-10677/93,A-11521)
1315.130	am	(P-590,A-7373)	1470,5	r	(P-8435/93,A-2370)	900,130	n	(P-10677/93,A-11521)
1315.140	am	(P-11447)	1470,7	am	(P-8435/93,A-2370)	900,140	n	(P-10677/93,A-11521)
1315.140	am	(P-590,A-7373)	1470,20	am	(P-8435/93,A-2370)			
1315.150	am	(P-590,A-7373)	1470,80	am	(P-8435/93,A-2370)			
1315.160	am	(P-590,A-7373)	1470,90	am	(P-8435/93,A-2370)			
1315.163	n	(P-590,A-7373)	1480,140	am	(P-5749)	100,2	am	(P-12153/93,A-5980)
1315.170	am	(P-590,A-7373)	1480,150	am	(P-5749)	100,3	am	(P-12153/93,A-5980)
1315.180	r	(P-590,A-7373)	1480,190	am	(P-5749)	100,4	am	(P-12153/93,A-5980)
1315.200	r	(P-590,A-7373)	1500,5	am	(P-5758,A-1121)	100,5	r,n	(P-12153/93,A-5980)
1360.30	am	(P-11451)	1500,10	am	(P-5758,A-1121)	100,6	r,n	(P-12153/93,A-5980)
1360.40	am	(P-11451)	1500,11	am	(P-5758,A-1121)	100,7	r,n	(P-12153/93,A-5980)
1360.45	am	(P-11451)	1500,15	am	(P-5758,A-1121)	100,8	r,n	(P-12153/93,A-5980)
1360.50	am	(P-11451)	1500,20	am	(P-5758,A-1121)	100,9	r,n	(P-12153/93,A-5980)
1360.60	am	(P-11451)	1500,25	am	(P-5758,A-1121)	100,10	r,n	(P-12153/93,A-5980)
1360.65	am	(P-11451)	1500,30	am	(P-5758,A-1121)	100,11	r,n	(P-12153/93,A-5980)
1360.86	am	(P-11451)	1500,35	am	(P-5758,A-1121)	100,12	r,n	(P-12153/93,A-5980)
1375.10	n	(P-7986)	1500,50	am	(P-5758,A-1121)	100,13	r,n	(P-12153/93,A-5980)
1375.20	n	(P-7986)	1500,60	am	(P-5758,A-1121)	100,14	r,n	(P-12153/93,A-5980)
1375.30	n	(P-7986)	1500,70	am	(P-5758,A-1121)	100,15	r,n	(P-12153/93,A-5980)
1375.40	n	(P-7986)	1500,100	am	(P-5737,A-11180)	100,16	r,n	(P-12153/93,A-5980)
1375.50	n	(P-7986)	1500,10	am	(P-5737,A-11180)	100,17	r,n	(P-12153/93,A-5980)
1375.60	n	(P-7986)	1505,20	am	(P-5737,A-11180)	100,18	am	(P-12153/93,A-5980)
1375.70	n	(P-7986)	1505,30	am	(P-5737,A-11180)	100,19	am	(P-12153/93,A-5980)
1375.80	n	(P-7986)	1505,40	am	(P-5737,A-11180)	205,115	am	(P-6653)
1375.100	n	(P-7986)	1505,50	am	(P-5737,A-11180)	205,118	am	(P-6653)
1375.110	n	(P-7986)	1505,55	am	(P-5737,A-11180)	205,120	am	(P-6653)
1375.120	n	(P-7986)	1505,60	am	(P-5737,A-11180)	205,125	am	(P-6653)
1375.130	n	(P-7986)	1505,70	am	(P-5737,A-11180)	205,130	am	(P-6653)
1375.135	n	(P-7986)	1505,70	am	(P-5737,A-11180)	205,140	am	(P-6653)
1375.140	n	(P-7986)	275,10	n	(P-1664,A-7754)	205,360	am	(P-1641/93,A-11939)
1375.150	n	(P-7986)	275,10	n	(E-2119)	205,620	am	(P-6653)
1375.160	n	(P-7986)	285,1100	am	(P-12944)	205,1400	am	(P-6653)
1375.170	n	(P-7986)	285,1101	am	(P-12944)	205,1410	am	(P-6653)
1375.200	n	(P-7986)	285,1102	am	(P-12944)	205,1740	am	(P-6653)
1375.210	n	(P-7986)	285,1103	am	(P-12944)	205,1750	am	(P-6653)
1375.230	n	(P-7986)	285,1104	am	(P-12944)	205,1760	am	(P-6653)
1380.210	am	(P-10619)	285,1105	am	(P-12944)	205,1780	am	(P-6653)
1380.240	am	(P-10619)	285,1106	am	(P-12944)	205,1790	am	(P-6653)
1380.250	am	(P-10619)	285,1107	am	(P-12944)	210,1800	n	(P-22333/93,Q-10501)
1380.260	am	(P-10619)	285,1108	am	(P-12944)	210,1800	n	(P-22333/93,Q-10501)
1380.480	am	(P-2566,A-11191)	285,1110	am	(P-12944)	210,2900	n	(P-22333/93,Q-10501)
1400.20	am	(P-2566,A-11191)	330,10	n	(P-10677/93,A-11521)	245,40	am	(P-1747/93,A-2414)
1400.30	am	(P-2566,A-11191)	330,20	n	(P-10677/93,A-11521)	250,110	am	(P-46)
1400.40	am	(P-2566,A-11191)	330,30	n	(P-10677/93,A-11521)	250,120	am	(P-46)
1400.50	am	(P-2566,A-11191)	330,40	n	(P-10677/93,A-11521)	250,315	am	(P-46)
1400.60	am	(P-2566,A-11191)	330,50	n	(P-10677/93,A-11521)	250,450	am	(P-46)
1400.80	am	(P-2566,A-11191)	330,60	n	(P-10677/93,A-11521)	250,510	am	(P-15757/93,A-11945)
1400.90	am	(P-2566,A-11191)	330,70	n	(P-10677/93,A-11521)	250,520	am	(P-15757/93,A-11945)
1445.15	am	(P-16379/93,A-2379)	330,70	n	(P-10677/93,A-11521)	250,530	r	(P-15757/93,A-11945)
1455.15	am	(P-16379/93,A-2379)	330,80	n	(P-10677/93,A-11521)	250,540	r	(P-15757/93,A-11945)
1455.30	am	(P-16379/93,A-2379)	330,90	n	(P-10677/93,A-11521)	250,550	r	(P-15757/93,A-11945)
1455.30	am	(E-3006)	330,100	n	(P-10677/93,A-11521)	250,560	am	(P-46)
1455.30	am	(P-16379/93,A-2379)	330,110	n	(P-10677/93,A-11521)	250,1820	am	(P-46)
1455.30	am	(P-16379/93,A-2379)	330,120	n	(P-10677/93,A-11521)	250,1830	am	(P-46)
1455.30	am	(E-3006)	330,130	n	(P-10677/93,A-11521)	250,2450	am	(P-46)
1455.30	am	(P-2733,A-8428)	330,140	n	(P-10677/93,A-11521)	250,2500	am	(P-9854/93,A-2424)
1455.205	n	(P-2733,A-8428)	330,140	n	(P-10677/93,A-11521)	270,1000	am	(P-9854/93,A-2424)
1455.205	n	(P-2733,A-8428)	900,10	n	(P-10677/93,A-11521)	270,1000	am	(P-9854/93,A-2424)

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(Title 86, con't)											
750.300 am	(P-6112)	114.235	am	(P-1943/93.A.3436)	140.535	am	(P-11088)				
750.400 am	(P-6112)	114.241	am	(P-1943/93.A.3436)	140.538	am	(P-9296)				
750.500 am	(P-6112)	114.243	am	(P-1943/93.A.3436)	140.578	am	(P-11088)				
		114.251	am	(P-4586.A-12839)	140.643	am	(P-18768/93.A.5778)				
		114.351	am	(P-22208/93.A.7390)	140.645	am	(P-18768/93.A.5778)				
		114.352	am	(P-22208/93.A.7390)	140.850	am	(P-9296)				
		114.353	am	(P-7390)	140.855	am	(P-9296)				
		114.353	am	(P-1943/93.A.3436)	140.855	am	(P-9296)				
		114.450	am	(P-1943/93.A.3436)	140.860	am	(P-9296)				
		114.452	am	(P-1943/93.A.3436)	140.865	am	(P-9296)				
		114.454	am	(P-1943/93.A.3436)	140.865	am	(P-9296)				
		114.456	am	(P-1943/93.A.3436)	140.870	am	(P-9296)				
		114.456	am	(P-1943/93.A.3436)	140.870	am	(P-9296)				
		115.10	am	(P-9346)	140.875	am	(P-9296)				
		115.30	am	(P-9346)	140.880	am	(P-9296)				
		115.40	am	(P-9346)	140.885	am	(P-9296)				
		117.10	am	(P-21158/93.A.3746)	140.895	am	(P-9296)				
		117.54	am	(P-22021/93.A.7403)	140.895	am	(P-9296)				
		120.30	am	(P-22212/93.A.8718)	140.920	am	(P-18436/93.A.3620)				
		120.318	am	(P-22212/93.A.8718)	140.922	am	(P-18436/93.A.3620)				
		120.324	am	(P-13392/93.A.2051)	140.932	am	(P-18436/93.A.3620)				
		120.324	am	(P-21266/93.A.5934)	140.928	am	(P-18436/93.A.3620)				
		120.325	am	(P-21266/93.A.5934)	140.928	am	(P-18436/93.A.3620)				
		120.326	am	(P-21266/93.A.5934)	140.930	am	(P-18436/93.A.3620)				
		120.327	am	(P-21266/93.A.5934)	140.932	am	(P-18436/93.A.3620)				
		120.362	am	(P-4063.A-11231)	140.932	am	(P-9296)				
		120.386	am	(P-4063.A-11231)	140.936	am	(P-9296)				
		121.27	am	(P-18425/93.A.2033)	140.936	am	(P-18425/93.A.2033)				
		121.28	am	(P-18425/93.A.2033)	140.936	am	(P-18425/93.A.2033)				
		121.29	am	(P-18425/93.A.2033)	140.936	am	(P-18425/93.A.2033)				
		121.29	am	(P-4575.A-12829)	140.936	am	(P-4575.A-12829)				
		121.58	am	(P-9296)	140.936	am	(P-9296)				
		121.63	am	(P-9296)	140.936	am	(P-9296)				
		121.70	am	(P-9296)	140.936	am	(P-9296)				
		121.72	am	(P-9296)	140.936	am	(P-9296)				
		121.70	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				
		121.74	am	(P-1605/93.A.3427)	140.936	am	(P-1605/93.A.3427)				

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(Title 89, con't)																
148,260	am	(P-15291/93.A-3450)	n	(P-3802.A-9895)	384.90	n	(P-8528)	434.1	am	(P-7115/93.A-6697)	107.103	am	(P-2133/93.A-7881)	n	(P-18447/93.A-2625)	
148,270	am	(P-15291/93.A-3450)	260.400	n	(P-3802.A-9895)	384.100	n	(P-8528)	434.2	am	(P-7115/93.A-6697)	107.105	am	(P-2133/93.A-7881)	n	(P-18447/93.A-2625)
148,280	am	(P-15291/93.A-3450)	300.20	am	(P-15218/93.A-8601)	384.110	n	(P-8528)	434.3	am	(P-7115/93.A-6697)	107.111	am	(P-2133/93.A-7881)	n	(P-18447/93.A-2625)
148,290	am	(P-15291/93.A-3450)	300.130	am	(P-18271/93.A-8377)	384.120	n	(P-8528)	434.4	am	(P-7115/93.A-6697)	107.123	am	(P-2133/93.A-7881)	n	(P-18447/93.A-2625)
	am	(E-12853/93.A-12611)	300.160	am	(P-8240)	384.130	n	(P-8528)	434.5	am	(P-7115/93.A-6697)	107.315	am	(P-2133/93.A-7881)	n	(P-12613/93.A-540)
148,310	am	(P-15291/93.A-3450)	300.Ae.B	am	(P-6467)	385.10	am	(P-84219)	434.6	am	(P-7115/93.A-6697)	107.317	am	(P-2133/93.A-7881)	n	(P-12613/93.A-540)
149.5	am	(P-15243/93.A-3378)	305.20	am	(P-6467)	385.30	am	(P-84219)	434.7	am	(P-7115/93.A-6697)	107.601	am	(P-2133/93.A-7881)	n	(P-12613/93.A-540)
149.10	am	(P-15243/93.A-3378)	305.30	am	(P-6467)	385.30	n	(P-84219)	434.8	am	(P-7115/93.A-6697)	171.4	#	(P-2131/93.A-7861)	n	(P-12613/93.A-540)
149.15	am	(P-15243/93.A-3378)	305.40	am	(A-11510)	385.50	n	(P-84219)	434.9	am	(P-7115/93.A-6697)	171.5	am	(P-2131/93.A-7861)	n	(P-12613/93.A-540)
149.50	am	(P-15243/93.A-3378)	306.10	re	(A-11510)	385.50	#	(P-84219)	434.10	am	(P-7115/93.A-6697)	171.15	am	(P-2131/93.A-7861)	n	(P-12613/93.A-540)
149.75	am	(P-15243/93.A-3378)	306.20	re	(A-11510)	385.70	#	(P-84219)	434.11	am	(P-7115/93.A-6697)	171.17	#	(P-2131/93.A-7861)	n	(P-12613/93.A-540)
149.100	am	(P-15243/93.A-3378)	306.30	re	(A-11510)	385.80	n	(P-84219)	434.12	am	(P-7115/93.A-6697)	171.21	#	(P-2131/93.A-7861)	n	(P-12613/93.A-540)
149.105	am	(P-15243/93.A-3378)	306.40	re	(A-11510)	385.90	#	(P-84219)	434.13	am	(P-7115/93.A-6697)	171.22	am	(P-2131/93.A-7861)	n	(P-12613/93.A-540)
149.128	am	(P-15243/93.A-3378)	306.50	re	(A-11510)	386.00	#	(P-84219)	434.14	am	(P-7115/93.A-6697)	171.23	am	(P-2131/93.A-7861)	n	(P-12613/93.A-540)
149.135	am	(P-15243/93.A-3378)	306.60	re	(A-11510)	386.10	#	(P-84219)	434.15	am	(P-7115/93.A-6697)	171.24	am	(P-2131/93.A-7861)	n	(P-12613/93.A-540)
149.140	am	(P-15243/93.A-3378)	306.70	re	(A-11510)	386.20	#	(P-84219)	434.16	am	(P-7115/93.A-6697)	171.25	am	(P-2131/93.A-7861)	n	(P-12613/93.A-540)
149.150	am	(P-15243/93.A-3378)	306.80	re	(A-11510)	386.30	#	(P-84219)	434.17	am	(P-7115/93.A-6697)	171.26	am	(P-2131/93.A-7861)	n	(P-12613/93.A-540)
152.100	n	(P-1677A-10141)	314.10	n	(P-17593/93.A-8366)	402.2	am	(P-8237-RC-10499)	515.600	n	(P-2846.A-11623)	172.2000	am	(P-2132/93.A-7874)	n	(P-12613/93.A-540)
	n	(E-2150)	314.20	n	(P-17593/93.A-8366)	402.7	am	(E-8481)	515.610	n	(P-2846.A-11623)	172.2215	am	(P-2132/93.A-7874)	n	(P-12613/93.A-540)
152.150	n	(P-1677A-10141)	314.30	n	(P-17593/93.A-8366)	402.7	am	(P-8237-RC-10499)	515.620	n	(P-2846.A-11623)	172.2215	am	(P-2132/93.A-7874)	n	(P-12613/93.A-540)
	n	(E-2150)	314.40	n	(P-17593/93.A-8366)	406.8	am	(P-2683)	515.630	n	(P-2846.A-11623)	177.2000	am	(P-2132/93.A-7874)	n	(P-12613/93.A-540)
152.200	n	(P-1677A-10141)	314.50	n	(P-17593/93.A-8366)	406.8	am	(P-2683)	515.640	n	(P-2846.A-11623)	177.2000	am	(P-2132/93.A-7874)	n	(P-12613/93.A-540)
	n	(E-2150)	314.60	n	(P-17593/93.A-8366)	406.8	am	(P-2683)	515.650	n	(P-2846.A-11623)	177.2000	am	(P-2132/93.A-7874)	n	(P-12613/93.A-540)
152.250	n	(P-1677A-10141)	314.70	n	(P-17593/93.A-8366)	406.13	am	(P-2683)	515.660	n	(P-2846.A-11623)	177.2000	am	(P-2132/93.A-7874)	n	(P-12613/93.A-540)
	n	(E-2150)	314.80	n	(P-17593/93.A-8366)	406.13	am	(P-2683)	515.670	n	(P-2846.A-11623)	177.2000	am	(P-2132/93.A-7874)	n	(P-12613/93.A-540)
153.100	n	(P-1686A-10154)	314.90	n	(P-17593/93.A-8366)	406.14	am	(P-2683)	515.680	n	(P-2846.A-11623)	177.2000	am	(P-2132/93.A-7874)	n	(P-12613/93.A-540)
	n	(E-2150)	314.90	n	(P-17593/93.A-8366)	406.14	am	(P-2683)	515.690	n	(P-2846.A-11623)	177.2000	am	(P-2132/93.A-7874)	n	(P-12613/93.A-540)
153.150	n	(P-11082/E-11380)	314.100	n	(P-8765)	408.40	am	(P-2700)	553.50	n	(P-3106.A-11275)	390.1020	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
160.5	am	(P-12067/A-697)	325.10	n	(P-8765)	408.40	am	(P-2700)	553.50	n	(P-3106.A-11275)	390.1020	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
160.60	am	(P-12067/A-697)	325.20	n	(P-8765)	408.40	am	(P-2700)	553.50	n	(P-3106.A-11275)	390.1020	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
160.65	am	(P-12067/A-697)	325.30	n	(P-8765)	408.40	am	(P-2700)	553.50	n	(P-3106.A-11275)	390.1020	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
160.70	am	(P-12067/A-697)	325.40	n	(P-8765)	408.40	am	(P-2700)	553.50	n	(P-3106.A-11275)	390.1020	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
160.75	am	(P-12604)	325.60	n	(P-8765)	408.40	am	(P-2700)	553.50	n	(P-3106.A-11275)	390.1020	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
170.50	am	(P-19440/93.A-3372)	325.70	n	(P-8765)	408.40	am	(P-2700)	553.50	n	(P-3106.A-11275)	390.1020	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
170.250	am	(P-19440/93.A-3372)	325.70	n	(P-8765)	408.40	am	(P-2700)	553.50	n	(P-3106.A-11275)	390.1020	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
230.360	am	(P-19440/93.A-3372)	335.150	am	(P-6681)	428.10	am	(P-11407)	688.10	am	(P-4093.A-11267)	393.2000	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
230.361	am	(P-5720)	335.150	am	(P-10679/93-11512)	428.10	am	(P-561)	688.10	am	(P-4093.A-11267)	393.2000	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
230.362	am	(P-5720)	356.5	am	(P-8786)	428.20	am	(P-561)	688.20	am	(P-4093.A-11267)	393.2000	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
230.363	am	(P-5720)	358.1	r	(P-8786)	428.30	am	(P-561)	688.30	am	(P-4093.A-11267)	393.2000	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
230.364	r	(P-5720)	358.2	r	(P-8786)	428.40	am	(P-561)	688.40	am	(P-4093.A-11267)	393.2000	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
230.365	r	(P-5720)	358.3	r	(P-8786)	428.50	am	(P-561)	688.50	am	(P-4093.A-11267)	393.2000	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
230.366	n	(P-5720)	358.4	r	(P-8786)	428.60	am	(P-561)	688.60	am	(P-4093.A-11267)	393.2000	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
230.367	n	(P-5720)	358.5	r	(P-8786)	428.70	am	(P-561)	688.70	am	(P-4093.A-11267)	393.2000	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
240.120	am	(P-14225/93.A-609)	358.6	r	(P-8786)	428.80	am	(P-561)	688.80	am	(P-4093.A-11267)	393.2000	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
240.160	am	(P-14225/93.A-609)	358.7	r	(P-8786)	428.90	am	(P-561)	688.90	am	(P-4093.A-11267)	393.2000	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
240.210	am	(P-14225/93.A-609)	358.8	r	(P-8786)	429.00	am	(P-561)	689.00	am	(P-4093.A-11267)	393.2000	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
240.220	am	(P-14225/93.A-609)	358.8	r	(P-8786)	429.10	am	(P-561)	689.10	am	(P-4093.A-11267)	393.2000	am	(P-1373/93.A-778)	n	(P-1847/93.A-747)
240.270	am	(P-14225/93.A-609)	380.1	r	(P-8779)	431.2	am	(P-8779)	691.2	am	(P-1369/93.A-749)	396.2000	am	(P-1369/93.A-749)	n	(P-142.A-7788)
240.280	am	(P-14225/93.A-609)	380.2	r	(P-8779)	431.3	am	(P-8779)	691.3	am	(P-1369/93.A-749)	396.2000	am	(P-1369/93.A-749)	n	(P-142.A-7788)
240.350	am	(P-14225/93.A-609)	380.3	r	(P-8779)	431.4	am	(P-8779)	691.4	am	(P-1369/93.A-749)	396.2000	am	(P-1369/93.A-749)	n	(P-142.A-7788)
240.360	am	(P-14225/93.A-609)	380.4	r	(P-8779)	431.5	am	(P-8779)	691.5	am	(P-1369/93.A-749)	396.2000	am	(P-1369/93.A-749)	n	(P-142.A-7788)
240.370	am	(E-5355/93.A-5348)	380.5	r	(P-8779)	431.6	am	(P-8779)	691.6	am	(P-1369/93.A-749)	396.2000	am	(P-1369/93.A-749)	n	(P-142.A-7788)
240.470	am	(P-14225/93.A-609)	380.6	r	(P-8779)	431.7	am	(P-8779)	691.7	am	(P-1369/93.A-749)	396.2000	am	(P-1369/93.A-749)	n	(P-142.A-7788)
240.870	am	(P-14225/93.A-609)	380.7	r	(P-8779)	431.8	am	(P-8779)	691.8	am	(P-1369/93.A-749)	396.2000	am	(P-1369/93.A-749)	n	(P-142.A-7788)
240.910	am	(P-14225/93.A-609)	380.7	r	(P-8779)	431.9	am	(P-8779)	691.9	am	(P-1369/93.A-749)	396.2000	am	(P-1369/93.A-749)	n	(P-142.A-7788)
240.970	am	(P-14225/93.A-609)	380.8	r	(P-8779)	431.10	am	(P-8779)	691.10	am	(P-1369/93.A-749)	396.2000	am	(P-1369/93.A-749)	n	(P-142.A-7788)
240.1510	am	(P-14225/93.A-609)	380.8	r	(P-8779)	431.11	am	(P-8779)	691.11	am	(P-1369/93.A-749)	396.2000	am	(P-1369/93.A-749)	n	(P-142.A-7788)
240.1535	am	(P-14225/93.A-609)	380.8	r	(P-8779)	431.12	am	(P-8779)	691.12	am	(P-1369/93.A-749)	396.2000	am	(P-1369/93.A-749)	n	(P-142.A-7788)
240.1540	r	(P-14225/93.A-609)	380.11	r	(P-8779)	431.13	am	(P-8779)	691.13	am	(P-1369/93.A-749)	396.2000	am	(P-1369/93.A-749)	n	(P-142.A-7788)
240.1545	am	(P-14225/93.A-609)	380.12	r	(P-8779)	431.20	am	(P-8779)	691.20	am	(P-1369/93.A-749)	396.2000	am	(P-1369/93.A-749)	n	(P-142.A-7788)
240.1590	am	(P-14225/93.A-609)	380.13	r	(P-8779)	431.30	am	(P-8779)	691.30	am	(P-1369/93.A-749)	396.2000	am	(P-1369/93.A-749)	n	(P-142.A-7788)
240.1600	am	(P-14225/93.A-609)	380.14	r	(P-8779)	431.40	am	(P-8779)	691.40	am	(P-1369/93.A-749)	396.2000	am	(P-1369/93.A-749)	n	(P-142.A-7788)
240.1610	am	(P-14225/93.A-609)	380.15	r	(P-8779)	431.50	am	(P-8779)	691.50	am	(P-1369/93.A-749)	396.2000	am	(P-1369/93.A-749)	n	(P-142.A-7788)
240.1620	am	(P-14225/93.A-609)	380.16	r	(P-8779)	431.60	am	(P-8779)	691.60	am	(P-1369/93.A-749)	396.2000	am	(P-1369/93.A-749)	n	(P-142.A-7788)</

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1375.50	r	(P-8635/93A-1927)	1375.8130	r	(P-8635/93A-1927)
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1375.1040	r	(P-8635/93A-1927)	1425.30	am	(P-18715/93A-11162)
1375.1050	r	(P-8635/93A-1927)	1425.40	am	(P-18715/93A-11162)
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1375.7160	r	(P-8635/93A-1927)			
1375.7170	r	(P-8635/93A-1927)			
1375.7180	r	(P-8635/93A-1927)			
1375.7190	r	(P-8635/93A-1927)			
1375.7200	r	(P-8635/93A-1927)			
1375.7210	r	(P-8635/93A-1927)			
1375.7220	r	(P-8635/93A-1927)			

ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF CHANGE OF ADDRESS
ALL ORDERS ARE PAYABLE IN ADVANCE OR BY VISA OR MASTER CHARGE
CHECKS AND/OR MONEY ORDERS ARE PAYABLE TO SECRETARY OF STATE

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 PER SET

__1977-1978 __1979 __1980 __1981 __1982 __1983 __1984 __1985 __1986
__1987 __1988 __1989 __1990 __1991 __1992 __1993

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 each:

__1981 __1982 __1983 __1984 __1985 __1986 __1987 __1988 __1989

SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 each:

__1984 __1985 __1986 __1987 __1988 __1989

CUMULATIVE/SECTIONS AFFECTED INDICES @\$5.00 each:

__1990 __1991 __1992 __1993

BACK ISSUES OF THE ILLINOIS REGISTER (current year only) @\$10.00 each:

(Volume Number) (Issue Number) (Issue Date)

ANNUAL SUBSCRIPTION TO THE ILLINOIS REGISTER @\$290.00 (52 ISSUES)

___NEW ___RENEWAL

ANNUAL SUBSCRIPTION AND SUPPLEMENT TO THE ILLINOIS ADMINISTRATIVE CODE; PUBLISHED
QUARTERLY @\$290.00

_____ (1994 Code & 2 Supplements)	_____ (Quantity)	_____ (1995 Supplements)	_____ (Quantity)
---	---------------------	--------------------------------	---------------------

TOTAL AMOUNT OF ORDER: \$ _____

___Check ___Visa ___Discover Card Number: _____

Expiration Date: _____ Signature _____

(IF CHANGE OF ADDRESS, PLEASE LIST THE OLD AND NEW ADDRESS:

(NAME) (PLEASE TYPE OR PRINT)

(ADDRESS)

(CITY) (STATE) (ZIP CODE) (TELEPHONE NUMBER)

GEORGE H. RYAN
SECRETARY OF STATE

Address:

Index Department
111 E. Monroe
Springfield, IL 62756

Direct

NAME: _____
 ADDRESS: _____
 CITY: _____ STATE: _____ ZIP: _____
 COUNTRY: _____
 PHONE: _____
 FAX: _____
 E-MAIL: _____

IF CHANGE IN ADDRESS, PLEASE PUT THE OLD ADDRESS IN
 NAME: _____
 ADDRESS: _____

EXPEDITE DATE: _____
 CHECK: _____
 ORDER: _____

TOTAL AMOUNT OF ORDER: _____

1992-1993: _____
 1993-1994: _____

QUARTERLY: _____
 ANNUAL: _____

ANNUAL SUBSCRIPTION TO THE JOURNAL OF _____
 NEW: _____

(Volume Number) _____

BACK ISSUES OF THE JOURNAL: _____

1990-1991: _____
 1991-1992: _____

CUMULATIVE INDEXES: _____

1987-1988: _____
 1988-1989: _____

1987-1988: _____
 1988-1989: _____

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